

The Hanse in Medieval and Early Modern Europe

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The Hanse in Medieval and Early Modern Europe

Edited by

Justyna Wubs-Mrozewicz and Stuart Jenks



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THE HANSE IN MEDIEVAL AND EARLY MODERN EUROPE: AN INTRODUCTION

Justyna Wubs-Mrozewicz

The Hanse Game

Just for fun, let's imagine that the scholars who contributed to this volume did not meet at an international congress. Instead, they gathered to play a board game called 'The Hanse: 500 years in the Baltic and North Sea'. They enjoyed a bite of bread with herring and a good glass of beer, distributed pawns, joked about winning and cooked up crafty strategies. Yet, scholars being scholars, they first squabbled about the rules of the game:

Carsten: 'Why is Lübeck in the middle of the board? Come on, guys, there's gotta be a better starting point for the Game! After all, Lübeck wasn't the centre of the Hanseatic world from the word go. Also, nobody could count on selling his goods there, so "Go directly to Lübeck, collect 250 marks" is wrong.'

Edda: 'Wait, before we start: it's all about trade at sea. But the game doesn't have any instructions about what happens if something goes wrong, like shipwreck, piracy and stuff like that. Worse yet, the Hanse didn't have a unified set of rules about this. Each town made up its own. So we're gonna to have to work through those Jeopardy and Chance cards carefully before we start!'

Sofia: 'Hey, that's true for all the other commercial regulations, like sales contracts. Each town had its own bylaws, just look at Scandinavia! And right at the beginning we can chuck that old bit of nonsense about how Lübeck law smoothed out all the differences that mattered. If anything, people faced with similar problems hit on similar solutions separately. So, Edda, I'm gonna be looking over your shoulder when you go through those Jeopardy and Chance cards! You keep your eyes on the sea, I'll keep mine on the land.'

Justyna: 'Why are we calling this "The Hanse Game" anyway? I mean, it's not as though they never dealt with anybody else! And getting guys from all kinds of towns to get together in a tent with a "Hanse"

sign outside was harder than herding cats. So at least in the *Kontore* like Bergen, we need some Interaction cards!

Jim: 'Everybody's assuming the money comes out of the bank by magic. I mean, "Go directly to Danzig, collect 400 marks for cloth", is just ridiculous! You gotta ask how you get the money to buy the cloth in the first place. Not by rolling dice! So we need some Finance cards, maybe ones that can only be cashed in Bruges.'

Stuart: 'Hey, you're all assuming everybody's honest, but I've played enough Monopoly to know it ain't so. All the Game's got are Jeopardy cards telling you you've been rooked, but maybe we need some "Get Out of Jeopardy" cards to force people to cut square corners. Also, I'm not real happy about all these lines on the board telling you where to go. They all just send you from East to West and back again. But there are lots more places on the board than that, and the instructions don't tell us anything about how to connect up the dots.'

Mike: 'How are we supposed to know who's winning? I mean, how do we know that you always get 200 marks for a load of stockfish from Bergen? And how do we know that you make money on the whole? After all, as Jim said, you've got to buy the stuff before you can sell it, and there's no guarantee you won't get skinned!'

Marie-Louise: 'Where's the end point of the Game? When does the music stop: 1669 when the last Hanseatic Diet met? Or do we go on playing until the merchant networks folded up? Is the Game about politics or people, that's what I want to know!'

Stuart: 'I'm gonna get another beer. Anybody want anything while I'm up?'

(Scene fades...).

If it were only so easy! Board games are board games, but all authors in this volume contribute—in the measured and dulcet tones of the learned—to the academic game called 'Hanse studies', putting forward new points of view, contesting the opinions of previous scholars. And they are not shy about it. Debate lies at the very foundation of this volume. When some of the articles were presented for the first time at the World Economic History Congress in Utrecht (August 2009), there was a spirited discussion both among the speakers themselves and with those in the audience. The latter were economic historians studying commercial relations in pre-modern Europe, and as specialists in their own fields, they questioned the Hanse from all corners. Thus, the Hanse was set in a broader European discussion context, where it rightfully belongs.

These 'internal' and 'external' discussions have shaped this book. On the one hand, the authors delve deep into their research topics and explore central questions about the Hanse and the sources, advancing knowledge in a field with long and robust research tradition. Yet their findings are not restricted to Hanse studies alone. Rather, they highlight issues which make the Hanse unique and atypical in the context of late medieval Europe. Several contributions draw on Mediterranean trade, the actions of non-Hanseatic traders or theoretical debates on commerce and economy in late medieval and early modern Europe for comparisons. Furthermore, the authors seek to place the Hanse in a wider context by showing features and mechanisms which were intertwined with pan-European features and mechanisms. They discuss common roots, influences and parallel developments, as well as source and research problems which crop up when various parts of Europe are investigated. The leitmotif of the volume is the two sides of the Hanse: in many aspects a typical European phenomenon, but also unique, challenging and thus fascinating.

Consequently, the purpose of this book is also twofold. Aside from presenting specific new research results, the volume can also serve as a guide to Hanse studies. The authors' footnotes signpost the state of research on their topics, but not all research areas within the wider field of Hanse could be covered in this volume. That is a recurrent problem common to conferences and edited volumes. In this introduction, I will try to fill the gaps by sketching the state of research on the Hanse (part I, pp. 4–14) and summarizing authors' results and presenting various areas of research (part II, pp. 14–20), as well as by providing a list of selected sources and bibliography of the Hanse (p. 30). In the concluding chapter, Stuart Jenks will suggest the directions future Hanse research might—or should—take. It must be noted that most of the research done in the field of Hanse studies is in German or other non-English languages: the current volume will be one of the few book publications in English on the Hanse providing both new findings and a summary of the state of research. It is our hope that this presentation of the Hanse in its European context will stimulate medieval and early modern historians to pick up their end of the story and (re)integrate the Hanse in it.

Finally, the Hanse and Europe will be tackled from yet another angle in this introduction (part III, pp. 20–25). I will briefly sketch the use and abuse of the phenomenon 'Hanse' in (this time not late medieval) Europe. It is a hot topic at the moment, both in Hanseatic studies and in the higher and lower echelons of European political and economic integration. Quite remarkably, since the nineteenth century there have been many attempts

to hijack the Hanse and make it serve national and European ideologies. Whenever the tune changes, the Hanse takes a different place in the musical chairs game. And as the changes are rung in the public sphere, they affect historical research on the Hanse.

I. *What was the Hanse?—Short Overview of the State of the Art*

Various studies of the Hanse have one thing in common: sooner or later, the question pops up ‘What was the Hanse, actually?’¹ It is usually followed by an audible sigh: ‘It’s complicated’. The most common problem of description is that the Hanse needs to be understood within its own particular legal and organizational framework. As it will be shown later, it differed in many aspects from other mercantile organizations in medieval and early modern Europe like merchant guilds, and from political structures like town leagues. Moreover, the way the Hanse worked is difficult to ‘translate’ into modern terms in a straightforward manner. Parallels with the EU, the EEC or the UN cover at best only some facets of the Hanse, not the whole of it.² As an introductory mental tool, it is perhaps better here to draw a parallel to another theme of research on medieval Europe, one in which self-questioning and recognition of complexity is also taken as a point of departure: national or ethnic identities in the Middle Ages. There the recurrent issues are whether such identities existed, and if so, how they were built up.³ Both in the case of the research on the Hanse and on identities, the researcher tries to grasp the connections and mechanisms which hide behind notions which are all but hard-and-fast. When it comes to the Hanse, there is a famous (and appropriately maritime) metaphor by Ahasver von Brandt: he described it as a mollusc: a strong, but also a changeable and a fluid body.⁴ The most conspicuous (and most commonly mentioned in research) aspect of its changeability is that membership in the Hanse was not fixed, and therefore its composi-

¹ Henn (1999) and (2010); Hammel-Kiesow (2002); Selzer (2010). Compare Friedland (1991) and Stooß (1995). See also the contributions in Müller-Mertens and Böcker (2003) and Hammel-Kiesow (2003).

² Hammel-Kiesow (2007).

³ Hoppenbrouwers (2010); Smith (2004); Jakobsson (1999).

⁴ von Brandt (1963) 29. Another water-borne metaphor can be found in the sources themselves: in the fifteenth century, the English accused Hansards of crocodile-like behaviour. The Hanse showed only its head (and implicitly: its teeth), while the rest of the body was hidden in water, see Selzer (2010) 36; Jörn (1998).

tion changed from incident to incident. This makes it impossible to give a complete list of members of the Hanse and plot them on a single map: all maps of the Hanse are snapshots (see the map on pp. 26–29). Moreover, the contours of the Hanse, like these of national and ethnic identities in the Middle Ages, depend to a certain extent on the eye of the beholder. These boundaries are different if one analyses the political context, or if one chooses to focus on administrative and legal aspects of the organization, or if one investigates shared cultural traits (like language). And then again they are different in each period of investigation. In contrast to the discussion on medieval national or ethnic identities, however, there is a comforting consensus among Hanse scholars. The Hanse did exist.

So what was it, actually? In one of the most recent definitions, the Hanse was an *organization of traders* (specifically: traders speaking Low German and engaged in foreign trade) AND an *organization of towns* (up to 70 large and 100–130 smaller towns) in which these traders were burghers.⁵ The participation of towns in the Hanse was thus secondary, through their traders.⁶ Being part of the Hanse was only one aspect of their urban identity, and sometimes only a small one.⁷ This explains why the towns used the term ‘Hanse’ only in situations when common interests were at stake, and hardly ever in town chronicles or when they acted on their own account.⁸ Internally, the term *gemener copman* (common merchant) was preferred to ‘Hanse’ or ‘Hanse towns’, which shows again that the basis of the organization was people, not urban entities.⁹ When it was no longer enticing for traders of a town to conduct trade jointly with merchants from other Hanse towns, they (often silently) gave up their membership and their participation in common rights. Since the ultimate motive of traders was profit, they only played the Hanseatic game as long as it was profitable. Apparently, it paid off for a long time, since the Hanse existed for at least five hundred years, from the middle of the twelfth until the middle of the seventeenth century.¹⁰

⁵ Hammel-Kiesow (2002) 10.

⁶ Selzer (2010) 5.

⁷ Henn (2010) 13; the contributions in Henn and Sarnowsky (2010).

⁸ For instance in interaction with the emperor, see Moraw (2002) 64. More general: Hammel-Kiesow (2002) 17; Behrmann (1997) and (2004).

⁹ Irsigler (1998); Friedland (1999).

¹⁰ There is no clear beginning or end of the Hanse, see the contributions of Carsten Jahnke and Marie-Louise Pelus-Kaplan, as well as the overview of the political and economic periodization of the Hanse further in this introduction.

Shared interest, functioning as a common denominator for traders and towns involved in the Hanse, is a key notion in understanding the organization. It started with the shared interest of traders abroad, forming a group: the very term *hansa* means *cohors*, that is a 'troop' or a 'crowd'. It refers thus to a collective phenomenon, an appearance and action as a group. From the twelfth century, the term was used in Northwestern Europe in the context of trading communities which were active in long-distance trade, and whose members obviously needed each other's support, for self-defence if nothing else. From the late thirteenth century on, the term started to be used in reference to traders of 'the' Hanse. Yet it also referred to the tax these traders had to pay for being able to participate in the trade abroad. A third meaning of the word *hansa* was legal: it was the right to conduct trade jointly. This third meaning reveals the tectonic force underlying the gradual rise of the Hanse as an organization of traders, and later also of towns: cooperating to secure trading rights abroad.¹¹ This cooperation of traders coming from various towns was on the one hand visible in the context of their meetings (the so-called Hanseatic Diets, most often held in Lübeck),¹² and on a daily basis in the Hanseatic settlements abroad (especially the four largest ones, the so-called *Kontore* in London, Novgorod, Bruges and Bergen).¹³ From the late thirteenth century on, the word *hansa* started to be used in reference to traders of the growing organization which became to be known as 'the' Hanse.¹⁴ Its economic foundation was the exchange of goods in the Baltic and North Sea areas, transported primarily by sea, but also by river and land. If one wants to make a broad generalization, mass goods and raw materials from the north and east were exchanged for finished products, luxury goods and transit goods from the West and the Mediterranean. One mercantile organization thus connected various regions in Europe.¹⁵ The current state of research is that this Hanse was first and foremost a 'community of interest', not a hierarchical structure.¹⁶ There was no top-

¹¹ Friedland (1991) 21–5; Hammel-Kiesow (2002) 27.

¹² Henn (2001).

¹³ There were also several smaller ones, for instance in Oslo and Tønsberg, Norway, Bourgneuf and La Rochelle in France, Lynn and Boston in England; on the *Kontore*, see Angermann and Friedland (2002); Graßmann (2005); Schubert (2002).

¹⁴ Hammel-Kiesow (2002) 27.

¹⁵ The most common goods in the Hanseatic trade: furs, wax, wood, grain, fish (herring and stockfish, i.e. dried cod), textiles, beer, wine, salt, potash; Bund (1973) 5; Boer (2000); Hammel-Kiesow (1999) and (2002) 37.

¹⁶ von Brandt (1962) 7; Hammel-Kiesow (2002) 14–5; Selzer (2010) 10–1.

down decision-taking in questions of trade or trade policies: all decisions taken at Hanseatic Diets had to be validated in each town and incorporated into its bylaws in order to be binding on the individual merchant. In principle, the Hanse was a network of peers (although some of them were in practice more influential than others, the emblematic example being Lübeck traders). Their interaction increased when it seemed profitable or (politically) necessary. Such a structure was correlated to the fact that the merchants of the Hanse operated in a large area, by European medieval standards. The towns where they were burghers and with which they traded were located broadly in the Baltic and North Sea area and their hinterlands. A loose and non-hierarchical structure made it possible for traders from towns distant from one another to join the organization and profit from the same privileges. This way, the Hanse could appear and act as a large, varied group of traders with a say in areas crucial to medieval European trade. As Carsten Jahnke points out in his contribution, 'the' Hanse became a successful collective brand name in Europe.

This brings us to a discussion which bears on the *towns* of the Hanse and the broader European medieval context. The 'community of interest' view on the Hanse disputes a very different viewpoint, mostly taken by earlier scholars, where the Hanse was seen as a top-down, hierarchical urban league. The literature commonly refers to this discussion as the non-hierarchical 'Gemeinschaft' versus the hierarchical 'Bund' debate.¹⁷ Urban leagues were common in medieval Europe, well-known examples being the 'Rheinischer Bund' or the Swabian League.¹⁸ The concept of the Hanse as an urban league would make it at least a recognizable, perhaps an emblematic European phenomenon. Yet the Hanse does not fit in this picture, it was far more unusual. It lacked several traits researchers have identified as being crucial for an urban league: there was no foundation act, no common seal, no executive power or treasury. Nor was it created for a specific, time-framed purpose. One member could not be held responsible for the actions of others. Also, the Hanse shared economic rather than political goals (although it used political means—war and diplomacy—to achieve these goals). On the other hand, towns could simultaneously belong to the Hanse and an urban league, which accordingly could have an impact on the Hanse as a whole or some of the towns in it, but was

¹⁷ Wernicke (1983); Henn (1984). In his attempt to analyse the Hanse in a sociological model of strong and weak ties, A. Pichierri (2000) used the concept of the Hanse as an urban league (or even: a state of towns).

¹⁸ Distler (2006).

just as clearly a separate, non-Hanseatic entity.¹⁹ Furthermore, there were attempts to add some of the elements of town leagues to the Hanse, by binding the towns in the so-called *tohopesates*. These military alliances were triggered by political—rather than economic—interests. They were created with a (political) goal in mind and for a limited period of time.²⁰ It must be pointed out that in the second half of the sixteenth century, attempts were made to reshape the Hanse into an urban league. These attempts have to be viewed from the context of the changes of power in late medieval and early modern Europe: states and princes became stronger, while towns lost much of their autonomy. Privileges for traders no longer worked to their economic advantage, and gradually they lost importance. Consequently, Hanseatic traders and their hometowns were forced to invent new ways to be a partner in commercial and political negotiations. One of them was to seek more defined organizational structures which made them fit better into this hierarchical world.²¹ In the context of this volume, it is important to underscore the fact that this post-medieval meaning which was added to the Hanse has influenced terminology in English. While ‘Hansebund’ has practically vanished from German scholarship as a term for the whole organization, ‘the Hanseatic League’ endures in the English-speaking context as fossil.

There was another European medieval form of organization—merchant guilds—which should be discussed in the context of the Hanse, focussing on *traders*. Like the Hanse, they were non-hierarchical, bottom-up organizations of traders. As Stephan Selzer recently pointed out, scholars use the term ‘merchant guild’ to cover various types of organizations functioning under various names in the Middle Ages. Among them are *hansas* of traders abroad, one of the early roots of ‘the’ Hanse. The common denominator of these organizations was that membership was voluntary, based on equality among all members and sealed by an oath. Membership in a guild had implications for various aspects of life, not only the professional ones. A well-known and currently intensely investigated element was religious life, as guilds often overlapped with confraternities. Sociability, especially commensality, was another feature, and it entailed frequent and direct contact between most if not all its members. Guilds and their members

¹⁹ Selzer (2010) 62.

²⁰ See for instance the unsuccessful attempt to create such an alliance in 1418, and a successful one in 1451 (for the period of six years), see Selzer (2010) 62–3.

²¹ Postel (1999); Blockmans (1993); Heerma van Voss and van Nederveen Meerkerk (2007).

were also connected to a specific location. Moreover, the fundamental rule for guilds was that members were to help each other in plight. Guilds had their own internal administration, jurisdiction and seal.²² There were many local merchant guilds in the towns of the Hanse, uniting, as in the case of Lübeck, traders active on a specific foreign market like Flanders or Bergen in Norway. These merchant guilds were pillars of Hanseatic trade, and the Hanse fits very well indeed into the general European tradition of bottom-up organization of trade.²³ Also, Hanseatic settlements abroad (*Kontore* and smaller settlements) might be seen as merchant guilds in the diaspora (alien merchant guilds).²⁴ However, the Hanse as a whole was not a mega-guild of traders (if we follow the guild concept sketched above), as it has been recently claimed by economists and some economic historians. Its members swore no oath to other Hansards in general, but did so only when they joined a Hanseatic *Kontor* abroad. The Hanse was marked off from guilds because there was (for most of the period) no shared internal administration, treasury or seal; there was no real coercive power towards its members (as paradoxical as it may sound); there was no pan-Hanseatic memoria culture; and finally, sociability and direct contact was limited to the (infrequent) meetings and involved only a very small number of Hanse merchants, who were envoys to these meetings.²⁵

²² Oexle (1989); Schmidt-Wiegand (1999); Selzer (2010) 26–9. This interpretation of medieval (merchant) guilds encompasses 'bodies which were called *gilda*, but also *confratria*, *consortium*, *fraternitas*, *societas*, *coniuratio*, *amicitia* and other', see Oexle (1989) 1452.

²³ Asmussen (1999); Burkhardt (2009). Many of these guilds outlived the Hanse itself, for instance the *Bergenfahrer*. Apart from the fact that merchant guilds offered economic benefits to its members, something which might in part explain their longevity in European economy, see Ogilvie (2011), the complex social glue of rules and traditions must have played a role.

²⁴ Ogilvie (2011); Wubs-Mrozewicz (2011). The *Kontore* had an internal administration, jurisdiction and rules of conduct, seal, treasury and an oath was given when a trader became member. Also, conviviality and commensality were important, and there was a memoria culture.

²⁵ Fahlbusch (1994); Czaja (2000); Henn (2002). It must be noted that these economic historians and economists use a wider concept of merchant guilds, which is more or less equivalent with 'merchant associations'. This concept focuses on the economic aspects of the activities of (long-distance) merchants. To encompass various types of merchant associations, also very loose ones, the term covers also ad hoc groups with little or no juridical, administrative and social structures. In this take, the Hanse is also seen as a merchant guild, see especially Ogilvie (2011) and Grafe and Gelderblom (2010) and the literature cited there. However, it means attaching a label to the Hanse which is too broad to capture its paradox as an organization both of traders and towns; the paradox that it was a recognized economic and political power in the Middle Ages, but it lacked coercive power towards its own members; and the paradox that it refused to define its legal boundaries while it operated within very broad geographical boundaries.

This all is understandable from the organizational point of view if we take the geographic extent of the Hanse into account. So the Hanse was not a town league and not a guild, but relied on town administrations and local (as well as alien) guilds in order to function.

What made the Hanse outstanding and successful in medieval Europe? There are several features which ought to be mentioned. It must be stressed that if one chooses to look at these features *individually*, they are not unique to the Hanse, but rather of the economy and culture of medieval Europe in general. It is the *combination* of these features which was unique. This allowed Hanse traders to act as a group. Only a brief sketch can be given here. First of all, the organization of the Hanse as a well-informed *network of peers* was of crucial importance. This network relied on the one hand on (extended) *family ties*, and on the other on the choice of trading partners both close and far from one's hometown. Especially in the latter case, *mutual trust* was key in relations. The business relations were based on reciprocal help in the purchase and sale of each other's goods. As Stuart Jenks shows in his contribution, the attitude was rather to create *incentives to honest trade* than to create a system of punishments. In order to maintain this person-oriented way of trading, a good *reputation* (the Hanseatic word is *gelouwe*) was imperative. The loss of one's good name meant exclusion from the trade network, and in some cases even from the Hanse as a whole.²⁶ If you were part of the network, you benefited from the efficiency of the *information flow* within the Hanse: information was exchanged during Hanseatic meetings, in the *Kontore* and in letters between traders and towns.²⁷ It is clear that merchants took great care to obtain and disseminate information as part of (internal) conflict resolution.²⁸ *Literacy* was a pre-requisite for taking part in the extensive Hanseatic trade and information network.²⁹ In addition, the fact that the whole Hanseatic network could use Middle Low German as a *lingua franca* in speech and in writing (most of the sources from the fifteenth and sixteenth century are in the vernacular) eased communication and bound traders to one another.³⁰ An important part of the exchange of information concerned *quality control*. This was organized

²⁶ Selzer and Ewert (2001); Puhle (1999). See also the contributions of Marie-Louise Pelus-Kaplan and Stuart Jenks in this volume.

²⁷ See also Jenks (2010); Henn (2002).

²⁸ Wubs-Mrozewicz (2006).

²⁹ Henn (2002); Wriedt (2005). One did not have to be personally literate, but one's firm did: Jenks (1992).

³⁰ Peters (1987); Fouquet (2006); Niebaum (2010).

collectively, in the towns and especially in the *Kontore*, for instance to ensure that the quality of cloth (Bruges) or fish (Bergen) was checked and properly marked. Norms for weights and measures were also agreed upon collectively. This was one of the tools for cutting individual traders' transaction costs (they did not have to carry out the checks themselves) and thus make it profitable for them to join the Hanseatic network.³¹ Another one was that *collective privileges* abroad were made accessible to a wide and (until the middle of the fifteenth century) inclusive group of traders coming from various towns. *Cost-efficiency* was also apparent in the simple, single-entry bookkeeping, which was anything but backward in comparison to the Mediterranean trade, as Stuart Jenks argues in his article.³² This 'keep it simple' principle, and the possibility of joining a business partnership where one's input was work and not capital, opened the way for merchants without much experience or means to Hanseatic trade. Many traders could work their way up. Research has demonstrated that in the Hanse this resulted in a situation quite different from the mercantile world in southern Germany or the Mediterranean. In the latter two cases, a handful of traders and entrepreneurs garnered great wealth, while in the Hanse the *middle strata of well-off merchants* was much broader.³³ Apart from being active in trade, they were also involved in (urban) politics by being part of the town council or being envoys to negotiations with other (Hanseatic) towns or (foreign) rulers. This meant that they could exert both *economic and political influence* on Hanseatic trade.³⁴ Finally, apart from functioning as a kinship, mercantile and information network, the Hanse catered for the *potentially rivalrous groups* within it. Being part of these groups was less voluntary, or at least less self-directed than being part of trade networks. The prime example is life in the *Kontore*: after becoming part of a *Kontor*, a trader had to get along with merchants from other towns, who were not and often would not become part of their direct trade, kinship or even friendship networks. The Hanseatic traders in the *Kontore* enacted rules and devised ways of life which were to ensure that they would protect and not interfere in each others' business.³⁵ This was exceptional in Europe: the outposts abroad

³¹ Jenks (1996) and (2005); Selzer (2010) 93–5.

³² Hammel-Kiesow (2008).

³³ Selzer (2010) 97–8.

³⁴ Pitz (2001); Moraw (2002).

³⁵ Jörn (2000); Schubert (2002); Wubs-Mrozewicz (2008). See also the example of Hildebrand Veckinchusen in Böcker (1999).

catered for the interests of traders coming not only from one town (like the Venetians in Bruges), but for traders originating from various towns.³⁶ Last but (by no means) least, the *geographical extent* of the trading area of the Hanse was remarkable and unique: 'from the Urals to Portugal and Greenland to Central Germany.'³⁷

When did the Hanse begin? When did it end? Again, there is no straightforward answer. It depends whether one takes a more Hanseatic (largely political and organizational) or a European (largely economic) view. In older research, the stages of development of the Hanse were measured by political events. The foundation of Lübeck (1143/1159), for a long time misleadingly presented as 'the birth of the Hanse', was certainly a crucial element in the whole series of foundations of towns in the Baltic. Yet it was not the towns as such, but the individual merchants and councillors of these towns whose activities gradually built up the Hanse, as Carsten Jahnke shows in his contribution. There were several other 'events' in the history of the Hanse which earlier scholars presented as turning points. Only a few can be highlighted here, namely those which have been misinterpreted, and these misinterpretations have proved long-lived, both in research and in publications for a general readership. A prime example is the beginning of regular Hanseatic Diets (meetings) from 1356,³⁸ which earlier scholars erroneously viewed as the moment when the Hanse of traders was replaced by the Hanse of towns. As mentioned earlier, towns were members of the Hanse through their burghers, not the other way round. What can be claimed for this period, however, is that the organization of the Hanse became more tightly cinched (especially regarding the *Kontore*), and the town councils were involved in this process.³⁹ Another example was the conflict with the Danish king Valdemar IV Atterdag in the 1360s, which triggered the establishment of the Cologne Confederation in 1367. The Confederation's victory was sealed by the Peace of Stralsund (1370), which earlier scholars presented as 'the' political highpoint of the Hanse and the beginning of the high summer of the Hanse which would last until the 1470s.⁴⁰ As it will be shown in the last section of this introduction, the 1370 treaty was re- and misused as a point of reference in the

³⁶ Selzer (2010) 85.

³⁷ See the contribution by Carsten Jahnke in this volume.

³⁸ Although the problem of what criteria a meeting of town representatives had to fulfil in order to be called a 'Hanseatic' Diet is vexed: Henn (2001) 1–3.

³⁹ Henn (1984).

⁴⁰ Schwebel (1970); Henn (1994) 388–9; Jörn (1998b).

nineteenth century. However, the Cologne Confederation was a political alliance which only partly overlapped the Hanse (more towns and traders were absent than present, among them the eponymous Cologne), so it is questionable whether the Treaty of Stralsund should be used as a flagship for Hanseatic political history. The fifteenth-century conflict between the Wendish towns and Holland (1438–1441) was at times erroneously presented as a Hanseatic-Hollandish war. Also, it was far too often presented as the result of growing Hanseatic-Hollandish competition in the Baltic (borne by the teleological thought that Hollanders would gain the upper hand there later) and the outburst of strong mutual antagonism. In fact, the conflict was largely about the payment of damages for privateering, and cooperation between both sides continued.⁴¹ The 1554/1557 attempt to reorganize the Hanse as a town league has on the one hand spawned the erroneous notion that the Hanse was—or ought to have been—a town league, and on the other hand that it was the involuntary twitching of a dying man.⁴² As mentioned earlier, it should be rather seen in the context of the political changes which took place in Europe at that time. The last Hanseatic Diet (1669) has often been presented as the final moment of the Hanse: yet in fact envoys from only a few towns participated in the meeting, and Lübeck, Hamburg and Bremen carried on their trade under the Hanseatic brand name. As Marie-Louise Pelus-Kaplan shows in her contribution, the Hanse lived on in many aspects.

If one wants to tell the story of the rise and decline of the Hanse from a European economic point of view, the periodization is quite different, as Stephan Selzer recently pointed out. The Hanse emerged during the period of explosive economic growth in Europe which lasted from the eleventh to the middle of the fourteenth century.⁴³ According to Rolf Hammel-Kiesow, three conditions were of prime importance for the expansion of Hanseatic traders: first the inclusion of the Baltic in the trade system; second, the increased demand for goods in consequence of population growth at third-world rates from the twelfth century; and finally, the growing urbanization of Northwestern Europe.⁴⁴ Under these circumstances, traders united under a brand name and chose to safeguard their rights in a large group. From an economic point of view, as Selzer

⁴¹ Seifert (1997).

⁴² Postel (1999).

⁴³ Selzer (2010) 45; compare Pitz (1984).

⁴⁴ Hammel-Kiesow (2002) 21–6.

stresses, the heyday of the Hanse lay around 1300.⁴⁵ Thereafter, the strains on agrarian production, combined with climate change and the Black Death in the middle of the fourteenth century, made life more difficult not only for the average man, but also for the average Hanseatic trader. The politically halcyon days between 1370 and the 1470s stood in stark contrast to the everyday struggle to transport one's goods safely (piracy and robbery were rife), sell it at a profitable price (without running into conflict with the locals or their rulers, who could grant or rescind privileges) and in turn purchase goods which would not prove to be counterfeit (as many new products and their imitations were coming on the market, for instance woollen cloth). On the other hand, the period which has traditionally been seen as witnessing the (political) disintegration of the Hanse: the sixteenth century and later, was in fact an economic boom time both in Europe and for traders in the Hanse. The number of Hanseatic ships rose significantly, and the Hamburg, Bremen and Danzig found ways to integrate their trade in the emerging Atlantic economy.⁴⁶ And the last section of this introduction will show, even today the 'Hanse' is still eagerly sought as a brand name to sell all sorts of goods and services in Europe. So we are only stretching the point slightly if we say that the Hanse has never really disappeared from European economy.

II. *The Hanse in a Late Medieval Context: Deep Dives and Bird's Eye Views*

The contributors to this volume have all focussed on their respective research areas. The articles are thus deep dives in the Hanseatic archives and in the scholarly discussions pertaining to the Hanse. The references provided in them signal recent secondary literature within such areas as: the origin and growth of the Hanse; the organization of Hanseatic trade; legal history of the Hanse; interaction with non-Hansards and questions of identity; motivation in Hanseatic trade; source criticism and quantitative analysis; transitions in the Hanse in the early modern period. Moreover, all authors have placed their findings in the broader context of European history.

Carsten Jahnke elucidates the origins of the institution 'the Hanse' within a broad political and economic context. 'The City of Lübeck and the Internationality of Early Hanseatic Trade' questions an old dogma,

⁴⁵ Selzer (2010) 44–5.

⁴⁶ Graßmann (1998); Bogucka (2003); Pelus-Kaplan (2007); Selzer (2010) 107–14.

namely that the origin of the Hanse should be sought in the foundation of Lübeck (1143/1159). In fact, he finds that the town was founded as a regional trade centre, and remained a minor player for a considerable time. Yet Lübeck undoubtedly had a key role in shaping the organization in the thirteenth century. Jahnke shows how 'the' Hanse came into being as a result of a special need for the protection of rights, namely when Lübeck traders lost their 'Danish' rights abroad in 1227, notably in London, and when they had to secure their rights in Flanders in 1252/1253. A new, effective brand name was needed to attain a special position, and the *universi mercatores Romani imperii* proved to fit the bill. The power of the Hanse was born out of weakness and need. Moreover, when putting the Hanse in a broader framework, he points out that the city of Lübeck, as well as other Baltic towns, achieved a unique degree of symbiosis between merchants, lesser nobles and artisans. This released resources which were crucial for the growth of the Hanse. From a European and medieval point of view, Jahnke hangs a question mark at the predicate 'German' in the discussions of the Hanse, especially its content at the time. He also argues that in its collective form, the Hanse was a typical organization of medieval Europe. However, its longevity and its size (stretched out over a huge area), as well as the degree to which it, as an economic organization, used political means, made it unusual in the European context.

In his article 'The London Steelyard's Certifications of Membership 1463–1474 and the European Distribution Revolution', Stuart Jenks argues that next to the well-known pre-modern revolutions like the Commercial Revolution and the Consumption Revolution, another sea-change took place in the European economy in the fifteenth century: the Distribution Revolution. It had a significant influence on the world of the Hanse, and as such the Hanse is a good example of the transformations of trade in Europe in the fifteenth century. In short, as a hierarchy of markets emerged in Europe, traders gradually concentrated on specific markets one step up the chain, and this growing degree of specialization was evident in the Hanseatic outposts abroad, the *Kontore*, where it becomes apparent that Hanseatic trade was being funnelled through a very small number of ports. He builds his argument on a close reading of the so-called Guildhall certificates (of the Hanseatic *Kontor* in London). At the same time, he resolves several source critical issues connected to the certificates which have until now proved misleading for the interpretation of this source. By doing it, he gives a comprehensive demonstration not only of the complexity of this very source, but also of sources for the economic history of medieval Europe altogether.

In 'Der ehrbaren Hanse-Städte See-Recht: Diversity and Unity in Hanseatic Maritime Law', Edda Frankot breaks a lance for the interpretation that Northern Europe lacked one common sea law in the Middle Ages. She argues that the *Rôles d'Oléron* (customary sea laws put in writing by at least 1286) were not used as a universal sea law in the Hanseatic world, and the decisions taken at the Hanseatic meetings were not mere amendments to the *Rôles*. Instead, Frankot shows on the basis of numerous examples and legal cases from Lübeck, Hamburg, Riga, Kampen, Aberdeen, Danzig, Reval and elsewhere that each town had its own rules concerning sea issues. Pan-Hanseatic regulations were only drawn up if there were gaps in the legal framework which disadvantaged Hanseatic traders. However, these decisions were only legally binding for a Hanseatic trader if they were incorporated in the bylaws of his own town. This was true even of the 'Hanseatic Sea Law', which was finally drafted in 1614. In general, Frankot stresses, Hanseatic traders were used to dealing with this diversity of sea laws. In this aspect they followed a general European pattern: diversity, not uniformity was the norm.

Sofia Gustafsson also argues for diversity in another take on legal history in her 'Sale of Goods around the Baltic Sea in the Middle Ages'. She focuses on sales contracts, specifically the right to purchase and to cancel a purchase. Gustafsson discusses both the rules and the customs of sales contracts, along with symbolic acts which made the contracts valid. Contrary to the received doctrine that Lübeck law influenced virtually every Northern European legal system, she demonstrates that there was no distinct influence from one source. Rather, one should speak of diversity and differences in the various town laws. When similarities can be spotted, Gustafsson stresses, they were due to parallel developments and can be seen as an expression of a common Northern European town culture.

In her contribution 'Hansards and the 'Other'. Perceptions and Strategies in Late Medieval Bergen', Justyna Wubs-Mrozewicz analyses the interaction of Hanseatic traders in Bergen, Norway, with Norwegians, Hollanders and Englishmen. She demonstrates that on the one hand, this interaction followed general European patterns of contact between foreign traders and their hosts, customers and competitors. Yet on the other hand, she argues, Hanseatic traders stood out in Europe because they made a particular distinction between all that was Hanseatic and all that was non-Hanseatic. 'Non-Hanseatic' was an umbrella term for various 'national' groups, and it gained importance from the fifteenth century

on. In theory, a Hansard was to limit his business and social contacts to other Hansards. In practice, there were close contacts on various levels, and they were tolerated as long as the overall interest of the organization was not endangered. From the Hanseatic point of view, the term 'non-Hansard' (just as 'Hansard') was a chameleon in content and connotation (positive, negative, neutral). The multifarious perceptions of and interactions with non-Hansards as the 'Other' disclose what 'Hanseaticness' meant at a given moment.

James M. Murray traces the 'Hanseatic' content of the history of Bruges in 'That Well-Grounded Error: Bruges as *Hansestadt*', and discusses the recent echoes of this past in present cultural initiatives. He shows that Hansards in many aspects followed the same patterns of trade and life in Bruges as other foreigners. They were, however, an atypical group because they were particularly numerous. Also, the degree to which they were involved in the religious and charitable life of Bruges made them stand out as a group among Italians, French, and Iberian merchants. Murray also asks what constituted the main attraction to Bruges for Hanseatic traders in the fifteenth century. Was it still the function of the town as a trade centre? Or was it its function as a financial market which made traders venture there?

In 'Small is Beautiful: Why Small Hanseatic Firms Survived in the Late Middle Ages', Stuart Jenks takes issue with the so-called 'backwardness' of the Hanse in the European context, a view put forward by Wolfgang von Stromer. Specifically, he focuses on the question of why the Hanse managed to survive and prosper for such a long period. He discusses some aspects of this enigma in depth: the fact that Hanseatic firms were small and that Hanseatic traders could enter several partnerships. This allowed them to be flexible and grasp opportunities where they arose, as well as to spread risks. Hansards also had several tools at hand to cut the cost of bookkeeping, information gathering and quality control. These tools enabled them to be no less successful than their Italian or South German counterparts. The second argument of the article rejects the view that the Hanse was the prime example of a private-order, multilateral reputation-based organization (as suggested by Greif and González de Lara). Were that to be the case, then the mechanisms of internal control would rely largely on the threat of ostracism and punishment of malfeasance. The Hanse, Jenks argues, was instead governed by incentives to conduct honest trade. The very organization of it as a network of peer partnerships stimulated transparency, reciprocity and quick access to information. This

was a different way of handling problems of control than for instance in Venice.

Mike Burkhardt discusses a major source critical problem in his article 'Business as Usual? A Critical Investigation on the Hanseatic Pound Toll Lists'. He analyses the pound toll lists of Lübeck, which was a toll levied irregularly in Hanseatic towns in order to finance military actions. It is a source which has been used repeatedly to make comparisons to the volume of Mediterranean trade. A close reading, however, reveals that the source is not as reliable as researchers have thought. Analyzing the customs returns, the Hanseatic Bergen trade and individual traders, Burkhardt shows that there is too little exact information on the goods shipped, so that the analysis generates more questions than answers. Given the fact that the toll was levied only in special circumstances, and that pound tolls lists have survived for no more than eight years of the Middle Ages, Burkhardt warns against generalizations. Placing the issue in a broader context, he poses the question to what extent calculations of medieval sources give a reliable picture of European medieval trade.

Finally, Marie-Louise Pelus-Kaplan deals in 'Mobility and Business Enterprise in the Hanseatic World: Trade Networks and Entrepreneurial Techniques (Sixteenth and Seventeenth Centuries)' with the phase of transition of the Hanse, and puts it both in a retrospective and in a European context. On the basis of merchant archives (some of which have recently become available for research, namely the 1575–1583 account book of Hans Moller which was recovered after the dissolution of the Soviet Union), she demonstrates that the *sine qua non* for Hanseatic traders was mobility. Also, Pelus-Kaplan shows that this mobility was connected to the fact that Hanseatic business enterprises were usually based on family ties. In agreement with the picture sketched by Jenks for the earlier period, she argues that the simplicity of the organization of business relations in the Hanse allowed individual traders to be flexible and adapt to new circumstances. Hanseatic firms still flourished long after the Hanse as a whole lost its economic and political impetus. Looking at the Hanse in this broader European context of growth in the early modern period, one should see it as 'a vast series of family and commercial networks ceaselessly adapting themselves to changing circumstances, using very flexible and at the same time often pragmatic entrepreneurial techniques'.

There are several areas of research on the Hanse which could not be covered in this volume. Which of these areas are crucial if one wants to take a broad European perspective? First of all, one vital field deals with

the connections between trade and artisanry, in terms of trade both with goods produced in Hanseatic towns (especially beer)⁴⁷ and outside of them (especially cloth).⁴⁸ This research shows the importance of Hanseatic trade not only for the distribution of goods, but also of ideas in Europe, for instance the use of hops in beer brewing, and of the impact it had on the growth of urban centres and the specialization of whole regions, for instance the development of Flanders as a cloth-producing region. When one focuses on the trade in foodstuffs, one sees how important it would be to investigate the role Hanseatic traders took in creating the culinary dividing line between butter and beer (Northern Europe) and olive oil and wine (Southern Europe).⁴⁹

Another area is shipbuilding: the origins of the Hanseatic cog and its influence on later maritime architecture are inseparable from European maritime history in general.⁵⁰ Also, the religious life of Hanseatic traders both in its unifying and dividing aspects has to be viewed in a broader European framework: for instance in the medieval religious culture of confraternities and memoria,⁵¹ or the spread of Reformation in Hanseatic towns and in the outposts of Hanseatic trade.⁵² A well-developed research area which cries out for a European perspective is 'Hanseatic' art and architecture. The quotation marks refer here to the discussion to what extent one can speak of Hanseatic art, whether it is supposed to mean art produced in Hanseatic towns, or disseminated by Hanseatic traders and exerting influence on the local art production.⁵³ In parallel, there is debate on whether the brick buildings of many Hanseatic towns (show-cased nowadays in tourist flyers) demonstrate the existence of typically Hanseatic features, and whether the spread of brick architecture along the Baltic shores can be understood as a proxy of Hanseatic influence. Both in the case of art and architecture, the debate is what should be seen as 'Hanseatic', and what as 'general European'. Furthermore, the education of Hanseatic traders is of importance in the context of increased (lay) literacy and numeracy in late medieval Europe. Burgeoning long-distance trade made it necessary for traders to develop good skills in writing, counting, Latin, the knowledge of goods, weights, measures and currencies

⁴⁷ Blanckenburg (2001); Unger (2004).

⁴⁸ Holbach (2007); Munro (1994); Stabel (2000); Abraham-Thisse (2002).

⁴⁹ Mohrmann (1996).

⁵⁰ Paulsen (2010); Ellmers (2010).

⁵¹ Poeck (1991); Rahn (1999); Rößner (2001); Graßmann (2009).

⁵² Postel (2009); Grassmann (2009b).

⁵³ Zaske (1986); von Bonsdorff (1993); Nordhagen (1994); Pilecka (1994); Jaacks (1999).

in Hanseatic trade, as well as of geography, law and administration. This led to the establishment of non-clerical town schools in Hanseatic towns under the patronage of town councils and merchant elites from the thirteenth to the fifteenth century.⁵⁴ Also, the need for higher education increased. At the same time, the emergence of universities in Rostock (1419) and Greifswald (1456) can be seen as part of the general wave of establishment of universities in Europe.⁵⁵ Finally, the language of the Hanseatic traders, Middle Low German (one of the distinctive features of the Hanse) should be considered in a broader European context. As a *lingua franca* in a large region it was one of the most prominent languages in medieval Europe. Since it was widely used both in a written and an oral form, it constituted an important counterpart to medieval Latin. And on the other hand, Middle Low German exerted a strong influence on the languages of the places to which Hanseatic traders ventured. This influence proved especially profound and lasting in Scandinavia: especially in Sweden and western Norway it led to a vast number of loan words, and to the changes of syntax.⁵⁶ The impact of Hanseatic presence in Northern Europe speaks for itself.

III. *The Hanse and Europe*

The definition and redefinition of the Hanse in a European context is not only relevant for the Middle Ages and the early modern period. The history of the Hanse became a subject of research in the nineteenth century, in a time when the Holy Roman Empire dissolved (1806), when the map of Europe was set to change several times. The first modern historian of the Hanse, Georg Friedrich Sartorius posted a 'status update' of the Hanse in 1802: it was no longer a matter of contemporary politics, but it has turned into a 'safe' historical subject, a 'halbvergessene Antiquität' ('a nearly forgotten antique').⁵⁷ It brings to my mind a dusty piece of old furniture, which has stood in the corner for so long no one remembers which maiden aunt put it there. It is quite ironic that it was soon to be politicized in various ways. To push the metaphor further, since then this Hanseatic antique has proved to be chest of drawers filled with impressive

⁵⁴ Schildhauer (1984); Jenks (1992); Wriedt (2005).

⁵⁵ Asche (1999); Wriedt (2005).

⁵⁶ Peters (1987); Dalen (1994); Jahr (1995); Rambø (2008); Niebaum (2010).

⁵⁷ Sartorius (1802–1808) 6.

memories of the past (often drawn out at random), a seat on which various ideas of leadership were throned, and a table to display commercial interests and diverse merchandise. With a bit of polishing and a lick of paint of the latest fashionable shade, the Hanse has been turned over and over again into a versatile furnishing.

The use and reuse of the Hanse is well-apparent in the context of German national history. It is a recurrent topic of self-reflection in recent scholarship.⁵⁸ Remarkably, every couple of decades, different aspects of the Hanse came to the fore in the discussion of national history. The approach to the Hanse as a theme in national history, however, also had consequences for its interpretation in a European context. After Sartorius' academic approach, the first round of recycling the Hanse concerned the prominent role traders took as town councillors and burghers of largely independent towns. They were seen as the true carriers of German values, and the wealthy citizens of towns in the nineteenth century proudly imagined themselves as their heirs. Hanseatic (medieval) *burghership* was thus the key notion. A national myth of northern burghership, as opposed to the world of emperors, kings and nobles of southern Germany, was created.⁵⁹ The archivist Johann Martin Lappenberg, when applying to a South German body for funds for the edition of sources relevant for Hanseatic history, pointed out that the Hanse was of supreme value for national history. It is enlightening that he saw the need to put the stress on national history, the European aspect apparently being self-evident.⁶⁰ In this take, Europe was the vast market in which German burghers could act as independent entrepreneurs. The Hanse, as a powerful urban organization, was the outstanding German imprint on European mercantile history in the Middle Ages. The following turn in Hanseatic historiography was concurrent with rise of the Second German Empire (1871), and the establishment of the *Hansischer Geschichtsverein* in 1870/71 (with its journal, the *Hansische Geschichtsblätter* as a central organ for research on the Hanse and scholarly editions). The *Hansischer Geschichtsverein* came into being in connection with the quincentenary of the Peace of Stralsund (1370). This 'German' victory over Denmark, viewed as the apex of Hanseatic political might (see the discussion in part I, pp. 12–13), was linked

⁵⁸ Henn (1994); Hill (2001); Hammel-Kiesow (2007); Selzer (2010). See also the contribution of Carsten Jahnke in this volume.

⁵⁹ Schwebel (1964) 17–9; Henn (1994) 396–9.

⁶⁰ Henn (1994) 397; Hill (2001) 75. The main Hanseatic source series: *Hanserecesse/Hanserezesse* (1870–1970); *Hansisches Urkundenbuch* (1876–1939).

to the contemporary Schleswig-Holstein question. In imperial Germany, Hanseatic historiography followed the general political course and turned to the sea. The *maritime* aspect of the Hanse was thus highlighted. The medieval Hanse was glorified for its mastery of the seas, and used to justify the expansion of the German fleet. Research was closely intertwined with political propaganda, as it appears from some of the (popular) writings of the scholars Dietrich Schäfer and Walther Vogel. The Hanse was presented as part and parcel of Germany's maritime past and future.⁶¹ In this imperialistic context, Europe was to be subdued once again by the maritime power of Germany. In Nazi Germany, the Hanse was again seen as a convenient past image of power and expansion. This image was used in a rhetoric which was to affect Europe deeply. The stress was this time on the *economic expansion* of Hanseatic traders in the Baltic, an area which was now seen as a 'German' inheritance from the Hanseatic past, infamously labelled *Lebensraum*. The socio-economic turn in the research on the Hanse, and in part its appropriation by the Nazi propaganda, was heralded by Fritz Rörig. The Hanseatic trader turned into the paragon of Germanic virtue, and a prime example of the superiority of German entrepreneurship, culture and law in Europe. The drive of Hansards to conquer new markets was used as a justification for German military expansion in the 1930s and 1940s.⁶² Other historians justified Nazi ideology by way of reference to the Hanse, and in turn used elements from the Hanseatic past to feed Nazi propaganda. For instance in the case of the Netherlands, the occupation of 1940–45 was first presented as 'natural' in view of the cooperation of Hollandish and Hanseatic traders, or even by presenting Hollanders as part of the Hanse.⁶³ Later on, the occupation was justified by way of reference to the Hollandish expansion and the Hanseatic demise in the late Middle Ages and the early modern period. According to Karl Pagel, it could have all been prevented by a timely incorporation of Hollanders 'in den Bund der blutsverwandten niederdeutschen Städte' ('in the league of the Low German cities related by blood'): in other words, it was best to keep Hollanders under control, whether in the Middle Ages or in the 1940s.⁶⁴ The expansion and ultimate fate of the medieval Hanse

⁶¹ Schäfer (1913); Vogel (1915); Henn (1994) 399–407; Hill (2001) 75–8.

⁶² Rörig (1940). The work of Rörig had also positive effects, namely freeing Hanseatic research from the political focus, and stimulating the investigation of the economic, social and cultural history of the Hanse, Henn (1994) 407–12; Hill (2001) 80–6.

⁶³ For an overview of the question of Hollanders in the Hanse, see Seifert (1997).

⁶⁴ Pagel (1943) 166; Wubs-Mrozewicz (ESSHC paper 2010, in preparation for publication). The work of Pagel is usually presented as an example of scholarship which resisted

(and, indeed, of medieval Germany) was thus made to serve as the hand-maiden of contemporary debates about the 'role' of Germany in Eastern and Western Europe. In the post-war period, the work of Rörig had also positive effects, not tainted by Nazi thought. It stimulated the investigation of the economic, social and cultural history of the Hanse, both in Eastern and Western Germany.⁶⁵ Does this mean that contemporary political corsets were shed? Hardly. In the GDR, the focus of research lay predictably on class-struggle and the pan-European context of the Hanse was primarily Marxist-Leninist. The Hanse of towns (presented as an urban league in the late Middle Ages) was a welcome illustration of the fight against feudalism in medieval Europe.⁶⁶ On the other hand, the end of the WWII triggered an urge to turn away from the nationalistic take on Hanseatic history. This is most apparent in the work of Heinrich Sproemberg, who presented the Hanse as a European research topic. This was due not only to the need to put Hanseatic sources in a larger framework, or to include non-German scholars in the discussions. The Hanse originated in Europe and it affected Europe. At the same time, the interpretation of this role of the Hanse was to be depoliticized.⁶⁷ When Karl H. Schwebel presented an overview of Hanseatic historiography in the eighteenth and nineteenth centuries in 1964, he remarked that a new turn was about to take place. Forthwith, it was imperative to view the Hanse from a 'resentment-free and supranational vantage point'.⁶⁸

Has putting the Hanse in a contemporary European context depoliticized it, or at least neutralized the use of its image? Not quite. At present, the Hanse is repeatedly sold to European customers in a twofold way. On the one hand, (regional) politicians and publicists point to it as the forerunner of the European Union, and a prime example of European economic integration and close cooperation of regions. Once again, wealthy citizens of towns, now in the twentieth century and in the whole of Europe, were invited to imagine themselves proudly as the heirs of the medieval Hansards. Several parallels have been evoked: the *economic motive* behind its existence, the *extensive territory* of the organization, its *horizontal structures* (limited hierarchy), the *collective decision-taking*,

the influence of Nazi propaganda, see for instance Henn (1994) 411. However, it is not entirely the case if one analyses Pagel's depiction of the Hanseatic-Hollandish relations.

⁶⁵ Müller-Mertens (2003).

⁶⁶ Henn (1994) 412; Selzer (2010) 10.

⁶⁷ Sproemberg (1959). In this article, Sproemberg sought to underline the European context of the Hanse which was present in the work of Rörig.

⁶⁸ Schwebel (1964) 20.

the *exchange of goods and ideas*, as well as *regional ties*. Using the Hanse as a point of reference, cross-border cooperation initiatives have been taken like the 'Neue Hanse Interregio' (1991).⁶⁹ Also, the 'City League the Hanse' (sic!) (also called the 'Hanseatic League of New Time' or the 'New Hansa') was forged in 1980, with yearly 'Hanseatic days' as festive meetings of its members (who were, let us be honest, on a junket). By now the organization counts 176 member towns and cities in 16 European countries.⁷⁰ The surge of interest in the Hanse, especially in the Baltic region, is directly connected to the changes which took place in Europe after 1989. The reunification of Germany, and the membership of the Baltic states in the European Union, have created a frothy enthusiasm for a shared 'Hanseatic past'. EU-membership and interregional cooperation is frequently presented as a continuation of old ties. Not all projects were successful in the long run: for instance in 1988, local politicians in Schleswig-Holstein launched yet another initiative to create a 'New Hanse'. This met with a frosty response in Scandinavia, especially in Denmark: it was viewed as a stalking horse for a revival of German dominance in the region.⁷¹ This reaction was understood better by historians than by the politicians or the broad public. While scholars applaud the public's interest in history, they feel bound to caution against misleading interpretations. They remind us that the Hanse was an organization of traders speaking Low German, abiding by similar (though not the same) law and customs, not of the towns themselves.⁷² This has also consequences for the modern term 'Hanseatic town' and part of the 'City League the Hanse'. For instance Riga was a town in the Hanse because of the (German) merchants living there who traded overseas with the assistance of Hanseatic privileges. Riga's Hanseatic heritage is not limited to charming brick architecture and the historic flair of the Old Town. It also includes the (from today's point of view) foreign traders who made it Hanseatic. Comparisons between the area where the Hanseatic merchants were active and the entire European Union thus only works in a limited way: people and places are not related in the same manner.

⁶⁹ Hill (2001) 67; see also Brand (2007).

⁷⁰ <http://www.hanse.org/en>.

⁷¹ Hill (2001) 67–69. For an overview of the Norwegian interpretation of this shared past, see Nedkvitne (1990).

⁷² Hammel-Kiesow (2007); Henn (1994) 413–4; Hill (2001) 67–9.

This brings us to the second ‘selling point’ of the Hanse in Europe, namely as a product. Towns in the Baltic and North Sea area boast of their Hanseatic past in order to attract tourists and investment. Modern businessmen drape the mantel of the sober Hanseatic businessman around their own activities. For instance, the trading families in Hamburg—and the Chamber of Commerce (!)—point to the ‘Ehrbarer Kaufmann’ (honest merchant) as their collective forebear and inspiration.⁷³ The list of products which are flogged under the Hanse label is endless, reaching from aviation (Lufthansa) to band aids (Hansaplast).⁷⁴ It is obvious that the name is supposed to signal thoroughness, quality and tradition. The layer of historicism is intended to generate trust even in those potential customers who are not—or are only vaguely—familiar with the historical phenomenon itself. Most of these businesses are situated in Germany, but there are also examples from the Netherlands (Hanze Hogeschool in Groningen), Estonia (Hansa Grill in Tallinn), Poland (Hanza real estate in Gdańsk) or Norway (the brewery Hansabryggeri in Bergen). In most instances, the word ‘Hanse’ has little or nothing to do with the Hanse itself, but the places in which those businesses are located do have a Hanseatic past.⁷⁵ Both in the case of parallels with the European Union, and the appropriation of the Hanse as a ‘quality stamp’ in advertising, the perception of the Hanse in a European context is a construct, leading a life of its own.

Thus, the Hanse game goes on. What will be the next round, in historical analysis *and* in historical reminiscence?

⁷³ See the lengthy article on southern and northern trade traditions in Europe in one of the leading newspapers in the Netherlands (NRC Handelsblad 10 and 11.07.2010).

⁷⁴ Selzer (2010) 1.

⁷⁵ On the other hand, both Nuremberg and Munich, located well south of the last Hanseatic town, have a ‘Hansa Street’.

Map of the Hanse in 1554 according to the London Steelyard Statutes

Based on the map in Hammel-Kiesow, R., Puhle, M. and S. Wittenburg (phot.) (2009) *Die Hanse* (Darmstadt: 2009). We kindly thank Rolf Hammel-Kiesow and Matthias Puhle for their permission to use the map.

As stated earlier, all maps of the Hanse are snapshots: it is not possible to draw *one* complete map of Hanse members.

Glossary:

Braunsberg/ Braniewo
Breslau/ Wrocław
Danzig/Gdańsk
Dorpat/ Tartu
Elbing/ Elbląg
Gollnow/ Goleń
Kolberg/ Kołobrzeg
Köln (Cologne)
Königsberg/ Kaliningrad
Krakau/ Kraków
Kulm/ Chełmno
Nimwegen/ Nijmegen
Raseborg/ Raasepori
Reval/ Tallinn
Rügenwalde/ Darłowo
Staveren/ Stavoren
Stettin/ Szczecin
Stolp/ Słupsk
Thorn/ Toruń
Åbo/Turku







Guide to Hanse Research

1) CENTRAL SOURCE EDITIONS

HR: Hanserecesse/Hanserezesse (Leipzig: 1870–1970), 4 series and a total of 26 volumes. (Partly digitized, see www.hansischergeschichtsverein.de, 'Publikationen').

HUB: Hansisches Urkundenbuch, (Halle: 1876–1939), 11 volumes. (Partly digitized, idem).

2) PRESENTATION OF SAMPLE SOURCES

Sprandel, R. ed., *Quellen zur Hanse-Geschichte* (Darmstadt: 1982).

3) MAIN JOURNAL

Hansische Geschichtsblätter (1871–), with an extensive review section: 'Hansische Umschau'.

4) SELECTED GENERAL OVERVIEWS

Dollinger, Ph. (1997) *Die Hanse*, 5th ed. (Stuttgart: 1997).

Friedland, K. (1991) *Die Hanse* (Stuttgart: 1991).

Hammel-Kiesow, R. (2008) *Die Hanse*, 4th ed. (München: 2008).

Hammel-Kiesow, R., Puhle, M. and S. Wittenburg (phot.) (2009) *Die Hanse* (Darmstadt: 2009).

Selzer, S. (2010) *Die mittelalterliche Hanse* (Darmstadt: 2010).

Schildhauer, J. (1984) *Die Hanse. Geschichte und Kultur* (Leipzig: 1984).

5) COMPREHENSIVE EXHIBITION COMPANION

Bracker, J. et al. eds., *Die Hanse. Lebenswirklichkeit und Mythos*, 3rd ed. (Lübeck: 1999).

6) SELECTED EDITED VOLUMES

Brand, H. and E. Knoll eds. (2010) *Koggen, Kooplieden en Kantoren. De Hanze, een praktisch netwerk*, 2nd ed. (Hilversum: 2010).

Cordes, A. ed. (2008) *Hansisches und hansestädtisches Recht*, Hansische Studien 19 (Trier: 2008).

Graßmann, A. ed. (1998) *Niedergang oder Übergang? Zur Spätzeit der Hanse im 16. und 17. Jahrhundert*, Quellen und Darstellungen zur hansischen Geschichte NF 44 (Köln: 1998).

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Müller-Mertens, E. and H. Böcker eds. (2003) *Konzeptionelle Ansätze der Hanse-Historiographie*, Hansische Studien 14 (Trier: 2003).

North, M. and S. Jenks (1993) *Der hansische Sonderweg? Beiträge zur Sozial- und Wirtschaftsgeschichte der Hanse*, Quellen und Darstellungen zur hansischen Geschichte NF 39 (Köln: 1993).

Sarnowsky, J. ed. (2006) *Verwaltung und Schriftlichkeit in den Hansestädten*, Hansische Studien 16 (Trier: 2006).

Wernicke, H. and N. Jörn eds. (1998) *Beiträge zur hansischen Kultur-, Verfassungs- und Schiffahrtsgeschichte*, Hansische Studien 10 = Abhandlungen zur Handels- und Sozialgeschichte 31 (Weimar: 1998).

7) ONLINE PUBLICATION (AND IN THE FUTURE BOOK PUBLICATION)

www.hanselexikon.de

8) INTERNET GUIDE TO SOME OF THE ARCHIVES CENTRAL FOR HANSE RESEARCH

<http://www.balticconnections.net/>, see also Bes, L., Frankot E. and H. Brand eds. *Baltic Connections: Archival Guide to the Maritime Relations of the Countries around the Baltic Sea (including the Netherlands) 1450–1800*, The Northern World 36 (Leiden/Boston: 2007).

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THE CITY OF LÜBECK AND THE INTERNATIONALITY OF EARLY HANSEATIC TRADE

Carsten Jahnke

Since the beginning of the twentieth century the 'foundation' of the city of Lübeck and the beginnings of the Hanse have been seen as two sides of the same coin, or as Fritz Rörig said: 'The whole existed earlier than the parts. The development of the proud Hanseatic cities in the Baltic Sea area [...] was not a whim of fate, but was the consequence of an economic programme: the economic domination of the Baltic by German merchants.'¹ Controlling commerce in the Baltic and the North Sea was viewed as the Manifest Destiny of the Hanse, and it followed that those whom a benign fate chose to profit most handsomely from it were the German merchants themselves.

The observant reader will have noted that the Second German Empire, triumphant from 1871, cast a long shadow over this concept. Although it contains many weak points, it remained unquestioned, at least in German scholarship, until the beginning of this century. Consequently, most histories of the Hanse start with the so-called 'foundation' of the city of Lübeck in 1158/59 by Duke Henry the Lion, ignoring the beginnings of Hanseatic trade as well as Lübeck's earlier, Slavic history. In line with this view, German merchants popped up in new markets like the Demon King in the panto and were altogether as instantaneously victorious as the German armies of the nineteenth century.

It is the aim of this paper to examine this concept in the light of the sources. In order to do so, we first have to sketch out the development of international trade in the first half of the twelfth century. Then, we will undertake a new analysis of the 'foundation' of the city of Lübeck and follow its course to commercial ascendancy. This will necessitate posing the question of the foundation of the Hanse and its initial forms of organization, even if it cannot be finally solved here. The central question of

¹ Rörig (1955) 19f. *Das Ganze war früher da als die Teile. Denn schon das Werden jener hanseatischen Ostseestädte, unter ihnen der stolzen Stadt der späteren Führung, Lübeck, war ja nicht ein Spiel des Zufalls, sondern vollzog sich in Auswirkung eines bewußten wirtschaftspolitischen Programms: wirtschaftliche Beherrschung der Ostsee durch den deutschen Kaufmann.*

the paper is whether the emergence and rise of the Hanse to commercial ascendancy was an inexplicable accident of history or part of a development within the bounds of normal medieval trade.

I. *The Hanse—An Atypical and Typical Business Organization in the Middle Ages in the Light of Historiography*

Even for contemporaries, the inner structure of the Hanse was a mystery. It has remained so, even for scholars in our day.² The reason for this is surely that the Hanse was not a monolithic block, not a 'state within the state', but a loose-jointed confederation with a complex structure and numerous protagonists, each with their own interests.³ Nonetheless, the Hanse was economically and politically powerful. Because of this, the Hanse was not, as its first modern historian (Sartorius) termed it, a 'harmless and nearly forgotten antique' (*harmlose halbvergessene Antiquität*), condemned to obscurity by its 'non-political background'.⁴ But German unification in 1871 charged the Hanse with contemporary political relevance.⁵ The ideals of the citizens of the proud, new German Empire—and their rulers' ambitions to build a powerful fleet—made the Hanse seem the epitome of a glorious German past. The notion that a German trade monopoly had been planned prior to the first appearance of a 'German' merchant in this area,⁶ and that large-scale trade was impossible before Hanseatic merchants arrived on the scene, fitted in perfectly with their view of the role of the Second German Empire in the contemporary world.⁷ Within the bounds of this concept, Lübeck, the *caput omnium*, held the key position.

In reality, however, the Hanse did not appear suddenly, out of the mists of pre-Hanseatic history. Rather, it developed under particular circumstances which determined its inner structure. In some ways, this structure was indeed atypical, but in others the Hanse resembled many other *confoederationes*.

As will be shown, the Hanse was a community forged in exceptional circumstances in the course of the thirteenth century. To be sure, Lübeck's

² Pitz (2001) §§ 1–21.

³ Pichierri (2000) 63–80 and 115–27.

⁴ Sartorius (1802) VI, see also the Introduction to this volume, pp. 20–5.

⁵ Schäfer (1903) 32 and 134f.

⁶ Rörig (1959) 393f.

⁷ Hill (2001) 75–86.

interests played a role, but, surprisingly, it was Lübeck's weakness—not its strength—which was crucial. In the beginning, the 'German Hanse' was a typical organization of the high Middle Ages. It only became unusual when it began to use its economic power to achieve political aims. By doing so, the 'German Hanse'—which by 1370 had become truly political and indeed powerful—initiated a process which led inexorably to its own destruction. Therefore, we need to take a close look at North European trade before the emergence of the Hanse.

II. *North European Trade Around 1100/1150*

Reduced to its basics,⁸ trade in the Baltic region from the seventh and eighth centuries until into the sixteenth was controlled by two factors: in the East by the abundant supplies of fur, wax and amber, and in the early period, slaves;⁹ in the West by the wealth of manufactured goods such as cloth, weapons and luxury goods which originated in Asia, Arabia, Southern Europe or in the North Sea region. Dominated by these two factors,¹⁰ the Baltic served as a transit area, which was populated by different religious and ethnic groups. Denmark and the Cimbrian peninsula



Map 1 The Western Boundary of the Baltic

⁸ Jahnke/Englert (forthcoming).

⁹ Samsonowicz (1996) 61–2.

¹⁰ Adam IV.18; Hammel-Kiesow (1998) 53–4.

marked the western boundary of the Baltic and at the same time linked it to the North Sea region.

Despite the difficulties of trading across religious and ethnic boundaries, a stable system was established for the transfer of goods in the Baltic region by the ninth century, with trading centres at Hedeby, Birka, Wolin, on the rivers of northern Russia¹¹ and even in the town of Alt-Lübeck.¹² The regularity of routes and timetables for the movement of goods from east to west and vice versa demonstrates that patterns of long-distance trade had already been established.¹³ For instance, Abū ‘Abd-Āllah Muhammad Al-Idrīsī, an Arabian geographer living at the court of Roger II of Sicily in the early twelfth century, described the Baltic from the point of view of a seaman travelling from harbor to harbor:¹⁴

From the River Weser to the mouth of the River Elbe one hundred miles. From the mouth of the Elbe to that peninsula which is called Denmark sixty miles. [...] There are four big cities, many small towns and sheltered harbours with buildings. [...] From there along the coast to the harbour of Tønder fifty miles. This is a harbour, which is protected from wind, and there are buildings. From this harbour to the harbour of Hower Aa¹⁵ one hundred miles. [...] From this to the castle of the country of Funen eighty miles. And from this castle to the city of Slesvig one hundred miles. From there to the end of the peninsula twelve miles, around the peninsula 750 miles.

To travel in the Baltic Sea area meant sailing along tried and tested routes. The description of Muhammad Al-Idrīsī shows that there were secure harbors about a day's journey apart from one another. The Baltic Sea in its entirety constituted a trading route, characterized by regular shipping across ethnic and religious borders. A number of separate merchant groups traded on this route: Russians, Slavonians from the south coast of the Baltic, Scandinavians, Gutlanders, Jutlanders, Frisians, English, Scots and perhaps even Arabs and Germans.¹⁶

In the beginning, the trading area ranged from Byzantium in the Southeast via Novgorod to England, France and Flanders in the West. However, the peninsula of Jutland formed a barrier between the

¹¹ Müller-Boysen (1990) 37–41; Samsonowicz (1996) 63.

¹² Hammel-Kiesow (1998) 49–51.

¹³ Rimbert ch. 10–11, 19; Müller-Boysen (1987) 252–8.

¹⁴ Al-Idrīsī: 7. climate, 3–4. Section, Jaubert, Idrisi, II: pp. 427–33; Birkeland (1954) 67.

¹⁵ Hower Aa does not exist as a place name any more, but is probably the village of Hover in the vicinity of Ringkøbing; the ‘castle of the county of Funen’ is probably Odense.

¹⁶ Jahnke/Englert (forthcoming).



Map 2 The Harbors in Abū 'Abd-Āllah Muhammad Al-Idrīsī's
Description of the Baltic

North Sea and the Baltic. Goods had either to be brought around Cape Skagen (the Skaw), which was (and is) very dangerous, or via land. At the narrowest point of the Jutland peninsula, a land transit route emerged, bridging the 17 kilometres from Slesvig/Schleswig in the east and Hollingstedt on the river Treene.

The earliest full account of the urban scene of the Baltic Sea, Adam of Bremen's *History of the Archbishops of Hamburg-Bremen*, describes a brisk traffic transiting the Jutland peninsula at the end of the eleventh century:¹⁷

From this port [Slesvig/Schleswig] ships leave frequently for the land of the Slavs, Sweden, the land of the Samis and even for Greece [Novgorod?]. He [the archbishop] established a second diocese in Ribe, a town around which a river flows. This runs from the ocean [to the town] and on it one can sail towards Frisia or towards England or towards our Saxony [Bremen]. [...] From there [Aarhus] one may sail to Funen, Zealand, Scania or also to Norway.

Broadly speaking, Jutland was the key to the international market system from the ninth to the twelfth century. Due to its geographical position, Slesvig was the main centre of commerce.¹⁸

¹⁷ Adam of Bremen IV.1.

¹⁸ Jahnke (2006).



Map 3 The Narrowest Point of the Jutland Peninsula

Trade took place in one of three ways.¹⁹ First, merchants from East and West met in Slesvig to exchange their goods.²⁰ Second, traders from the East and from Slesvig travelled to the West in order to sell their goods there, for instance in St. Ghilles at the Rhône²¹ or in London, where the Danish obtained their own church in 1040.²² Finally, Western merchants travelled to Slesvig and sailed from there into the Baltic or on to Russia, as evidence from the small Westphalian town of Medebach shows. The bylaws of that town stipulated that, 'he who entrusts his money to a fellow-citizen for the purpose of profiting from that money by trading in Denmark or in Russia or in other areas, must call in trustworthy citizens in order that these may be present at, and later on be willing to bear witness to, that transfer of money.'²³

In general it must be noted that direct trade between Russia and the West existed from the early twelfth century at the absolute latest. Of the many groups of merchants trading along this route, Germans were just one and played only a very minor role. There is no evidence that 'the Germans' had formed the intention of dominating Northern European trade (indeed, it is doubtful whether one can speak of 'Germans' at all at this time).

Around this time three developments, loosely linked to each other, completely changed the picture. First, the Christianization of Europe led to an increased demand for preserved fish, since Christians were forbidden to eat meat during Lent and on high holy days. A growing part of this fish came from the Baltic area in form of salted herring.²⁴ The main

¹⁹ Jahnke (2008) 150–2.

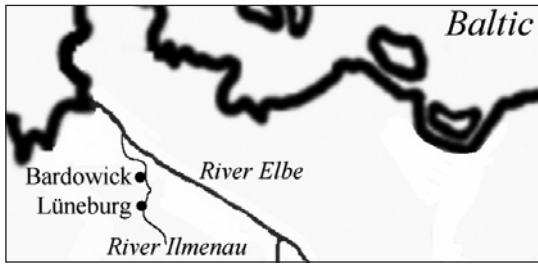
²⁰ Radtke (1983) 17; Vogel (2002).

²¹ *Miracula Beati Egidii*, 320; Assmann (1954); Ammann (1965); Radtke (1981) 438.

²² Bugge (1906) 261f.; Bill et al. (1998) 138f.

²³ Cordes (1998) 58; DD I.2.166, 312.

²⁴ Jahnke (2004).



Map 4 River Elbe

centre of this commerce was Bardowick in Saxony, one of the main border crossings into the Slavic lands since Charlemagne's days. Here herring was exchanged for high-quality salt from Lüneburg.²⁵ Second, the central European market expanded to include Westphalia and Saxony, Flanders and France. The whole Rhine-Meuse area developed into a huge market for foreign products, which opened up very enticing prospects indeed. Third, German law was extended eastwards by the colonization of formerly Slavic areas, as ancient commercial centres were converted into 'German towns', that is to say integrated into the German economic and legal sphere. These new towns had a mixed population, blending the native Slavs with their experience in commerce with new 'Germans', with ties to merchants in German towns in the Rhine basin. Another group of German settlers, the ministerials, who formed the so-called lower German nobility, brought new money into the system.²⁶

Within this framework, twelfth-century merchants developed their trading connections. Some moved westwards, like the merchants from Cologne, Tiel or Bremen who extended their trade to London, following the Danes, who had long played an important rule there.²⁷ Others moved eastwards, like the Westphalian merchants who joined up with their eastern colleagues in order to enter the Scandinavian and Russian markets.²⁸

²⁵ MGH, *Capitularia Regum Francorum*, Tom I, 120–6, here 122–6; Jahnke (2004); Kiesselbach (1907) 10f.

²⁶ Jahnke (2008) 158–63.

²⁷ Jahnke (2011).

²⁸ Jahnke (2008) 163.

III. *The Foundation of the City of Lübeck and the New Market*

For German historians of a nationalistic bent, the so-called 'second foundation' of Lübeck by duke Henry the Lion in 1158/59 is an epiphany. From the 1940s to the 1960s, leading German historians viewed this event as the moment when the Hanse burst forth upon the scene as a powerful and fully developed merchant society.²⁹ Every action taken by the duke to secure his new urban foundation was understood to be part of a self-evident, aggressive 'German' trade policy. Having taken the policy for granted, the conclusion was irresistible that 'German merchants' (whoever they might have been) instantly took over the island of Gotland and gained control over trade.³⁰

As scholars have recognized, there is not a shred of evidence in the sources to support this view. First, Lübeck was not founded to serve as a port of transit for traffic between East and West, but rather as a local exchange station between the Baltic herring fisheries and the saltworks in Lüneburg. The emergence of a transit route between Lübeck and Hamburg, so important from the fourteenth to the nineteenth century, was a subsequent development, dating from the early thirteenth century.³¹ Hamburg, whose function as an international harbor only dates from 1188/89,³² was more interested in the grain trade from Brandenburg to Flanders than in the transit trade with Lübeck until the late thirteenth century.³³ The mainstay of Lübeck's early trade was the exchange of salt from Lüneburg for Baltic herring and the trade with Saxony into Westphalia. Traffic going south out of Lübeck followed the land route and did not cross the river Elbe.

Second, Lübeck was a regional centre of some importance.³⁴ Brewing beer for export on a huge scale, Lübeck was dependent on its hinterland for supplies of malt and hops.³⁵ In order to secure this and to create a larger market for its own products, Lübeck tied in an area with a radius of some 160 kilometres by direct and indirect means. Direct bonds were forged by granting Lübeck law to more than one hundred nearby towns,

²⁹ Jahnke (2008).

³⁰ Jahnke (2011).

³¹ Jahnke (2008) 166–9.

³² Richter (1982) 59–65.

³³ Jahnke (2008) 166–9.

³⁴ Jahnke (2009).

³⁵ Frontzek (2005) 40–7.

binding these urban foundations to Lübeck as their court of appeal and facilitating Lübeck's merchants' trade with them.³⁶ Indirectly, the beer and herring-salt trade created a growing economic dependency of the towns in Lübeck's hinterland upon its market.

If Lübeck's commercial ascendancy was not inevitable, we have to ask when and how Lübeck came to dominate international trade in Northern Europe and what role the Hanse played in this development.

The direction Lübeck's trade would take had been determined long before its foundation. This began in 805, when Charlemagne made Bardowick this principle customs station on the border between Carolingian Saxony and the Slavic lands beyond the Elbe.³⁷ Since salt from Lüneburg was the mainstay of Saxon exports, for which 'German' merchants exchanged salted herring from the Baltic,³⁸ and since the most direct land route from Bardowick to the Baltic led across the Elbe at Artlenburg to the natural harbor of the river Trave,³⁹ it is no wonder that many merchants were familiar with the area in which Lübeck would be founded and were accustomed to assembling there. It was not, then, by blind chance that count Adolf of Schauenburg founded a 'German' town on this spot or that Henry the Lion 're-founded' the city in 1158/59.⁴⁰



Map 5 Bardowick and Lübeck

³⁶ Jahnke (2009).

³⁷ MGH, *Capitularia Regum Francorum*, Tom I, 120–6, here 122–6.

³⁸ Jahnke (2005) 132f.

³⁹ Hammel-Kiesow (1984) 15; Hatz (1974) 166–9.

⁴⁰ Helmoldi Presbyter Bozoviensis *Chronica Slavorum*, Cap. 48, p. 95.

After 1158 these Saxonian merchants moved permanently from Bardowick to Lübeck⁴¹ in order to be closer to the sea, but they did not abandon their accustomed trade products or routes. Consequently, the mainstay of Lübeck's trade remained the exchange of salt from Lüneburg for herring from the Baltic, which it in turn distributed to German lands lying in the interior.

At this point, three developments occurred which transformed Lübeck's economy and formed the basis for the later Hanse. First, more and more 'fresh' assets came into the system. The founding of the new 'German' towns on the Baltic coast was seen as a signal opportunity not only by established mercantile circles but also by the lower nobility. Some of them sold their manors and invested their capital in trade.⁴² At the same time the input of new 'fresh' silver from the newly discovered silver mines in Freiberg in Saxony took place, stimulating the European market, even if the precise consequences are not clear until now.⁴³ The infusion of new money and talent led to a massive expansion of Lübeck's trade and, in the end, to its domination of commerce in the Baltic.

Lübeck and the other new towns along the Baltic coast were able to draw old merchant groups, the nobility and craftsmen together in a novel symbiosis. For this reason Lübeck was in a position to connect the Baltic region with the large and expanding markets of central Germany in Westphalia and Saxony, with a corresponding rise in profitability.⁴⁴

Second, more and more 'German' cities were founded at the Baltic coast in the course of the thirteenth century.⁴⁵ The personal, institutional and economic connections between these cities and Lübeck created a dense network, which marginalized other merchant-groups in the area. The denser this network became, the more the other groups dropped by the wayside, first of all the Scandinavians, then the Russians and other Slavs. They were no longer needed as intermediaries between the Catholic West and the Orthodox East, once western merchants had founded commercial outposts in Reval, Dorpat, Riga and Danzig.

Furthermore, the Scandinavians introduced their western colleagues at the Russian markets, especially in Novgorod, who thereupon supplanted them in the course of the thirteenth century.

⁴¹ Jordan (1978) 80–3.

⁴² Jahnke (2008) 158ff.

⁴³ Spufford (1988) 109–13.

⁴⁴ Jahnke (2008), 165f.

⁴⁵ Dollinger (1989) 49–52.



Map 6 Commercial Outposts at the Baltic Coast

Third, under the leadership of Lübeck merchants the markets in Scania developed into one of the most important emporia for Baltic and North-Sea trade by 1200.⁴⁶ As the bulk goods traffic into and out of the Baltic increasingly favored this new route in the early thirteenth century, the focal point of North European trade shifted from Jutland to Zealand. Western and eastern merchants were encompassed in one market system.

But—and this should be emphasized very clearly—the new market was far from uniform. Much less was it a Hanseatic market, dominated by Lübeck merchants. Within this commercial system Lübeck was very much a junior partner, a latecomer without rights or influence. Obtaining both was the main task of Lübeck merchants between 1201 and 1250.

IV. *Some Structural Elements in the Development of the Hanse*

Lübeck's Position

Compared with older, more established groups of traders, Lübeck's merchants were at a disadvantage, having no privileges in the most attractive mercantile emporia such as London (where merchants from Cologne and Denmark ruled the roost) and Novgorod (where the Gotlanders had a strong position). Since Lübeck merchants were, for instance in Novgorod, dependent on the good-will of the Gotlanders in using their trading post (St. Olav's court), they had to cooperate with the established merchant groups before they could begin to think of achieving dominance.

⁴⁶ Jahnke (2000) 64–86.

The first structural transformations took place in the early thirteenth century. In 1201, when the Danish empire was at the peak of its expansionistic phase, Lübeck became a Danish town and remained so for 26 years.⁴⁷ Danish suzerainty was welcomed by large numbers of Lübeck merchants, perhaps even the majority.⁴⁸ What was the reason for this?

In the years between 1158 and 1201 Lübeck merchants had consolidated their position, however minor, in North European trade. They were accepted as junior partners, traded profitably and expanded their trading area.⁴⁹ But the fundamental disadvantage—lack of foreign trading rights—could only be remedied by submission to Denmark.⁵⁰ As subjects of the Danish king, Lübeck merchants suddenly entered into a novel and attractive situation: they enjoyed the rights of other Danish merchants overseas.⁵¹ In London, for instance, the Danes had enjoyed the same rights as Londoners in the city and in the entire kingdom by virtue of the law IV. Æthelred, which can be approximately dated to the middle of the twelfth century:⁵² *Li Daneis unt bohsathe, co est asueir suiur tut lan. Mais il unt la lei que cil dengleterre unt: kar il pent par la lei de la cite de Lundres aller par tut en engleterre a feire e a marchie.*⁵³ The enjoyment of Danish rights and privileges by Lübeck merchants can also be traced in Denmark itself, notably at the Scania markets. This was why Lübeck welcomed the king of Denmark.

Having become Danes, Lübeck merchants were in a position to expand their trade mightily. Between 1201 and 1241 they secured the transit route between Lübeck and Hamburg, which involved convincing their counterparts in Hamburg that this would be profitable.⁵⁴ At the same time Lübeck established itself as one of the main harbors for exports destined for Livonia and Estonia⁵⁵ and obtained its first privileges at the Scanian

⁴⁷ Hoffmann (2008) 111–22.

⁴⁸ Arnoldi, *Chronica Slavorum*.

⁴⁹ Arnoldi, *Chronica Slavorum*, III, 20, 109f. See also Schrecker (1933) 26.

⁵⁰ Jahnke (2011).

⁵¹ Jahnke (2011).

⁵² Keene (2008) 93ff.

⁵³ Bateson (1902) 502: 'And the Danes have *bohsathe*, that is to say that they may remain throughout the year, but they have the [same] law as those of England, because they are allowed by the law of the city of London to travel to any part of England to a fair or a market.'

⁵⁴ Jahnke (2008) 167–70.

⁵⁵ Hoffmann (2008) 114–23; Fonnesberg-Schmidt (2007) 70f. and 143f.; Villads Jensen et al. (2004) 220–5; Herrmann (1995) 11ff.

markets.⁵⁶ There are good reasons to assume that Lübeck merchants also flocked to the London markets.⁵⁷ But all this was endangered when Lübeck rebelled against the Danish king in 1226 and expelled his garrison in 1226/27.⁵⁸

While Lübeck obtained its liberty following victory in the battle of Bornhöved in 1227, it lost all its foreign privileges. This problem was certainly recognized in Lübeck and countermeasures were undertaken. In Denmark, Lübeck merchants were strong enough to prosecute their interests successfully, but not in England. Here they attempted to make use of the privileges which the merchants of Cologne had enjoyed for some time, but this attempt was repulsed. The solution proved to be recourse to the emperor under whose sovereignty Lübeck scuttled. In May 1227, Frederick II granted Lübeck a new privilege, which among other things forbade Cologne merchants to charge their counterparts from Lübeck fees for the use of their rights in London.⁵⁹ But Lübeck found it easier to obtain privileges from the emperor than to enforce those rights in London. After 1227 Lübeck merchants found themselves bereft of privileges in the western part of their trading area, being reduced to the legal status of other merchants from the 'new' Baltic cities. This was the point of departure for the development of the Hanse.

The Development of Common Goals

After 1227 the main task of Lübeck's policy was to obtain its own privileges in its main areas of trade, not only at the Scanian fairs but also in an arc extending around Northwestern Europe. The first priority was to secure the connection by land to Hamburg and the West, the so-called 'Hamburgische Straße' ('the road to Hamburg'). This took until 1241, when the duke of Saxony and the count of Holstein granted safe conducts.⁶⁰

⁵⁶ UBStL I, No. XXVII, pp. 33ff., here p. 35; Jahnke (2000) 69f.

⁵⁷ See for example HUB I, no. 123, p. 45; *Rotuli Litterarum Clausarum in turri Londinensi*, 193 or *Patent Rolls of the Reign of Henry III, 1225–1232*, 59, 10 Henry III.

⁵⁸ Hoffmann (2008) 111–4.

⁵⁹ Graßmann (1976) 18: *Ferner lösen wir die genannten Bürger von Lübeck, die nach England reisen, gänzlich von jener ihnen mißbräuchlich auferlegten Steuer (ab illo prauo abusu et exactionis onere), die die Leute von Köln und Tiel und ihre Genossen gegen sie ausgedacht haben sollen, und tilgen diesen Missbrauch ganz und gar; sie sollen vielmehr dieselben Rechte und Vergünstigungen genießen, deren die Kölner und Tieler und ihre Genossen teilhaftig sind.*

⁶⁰ Hamb. UB I, no. 520, p. 244; SHUB I, no. 679, p. 301f.; Hamb. UB I, no. 524f., pp. 446f.

Securing trade and communication to the West initiated an ever-widening search for further privileges in Lübeck's principle trading areas.

In London, Lübeck merchants continued to make use (inofficially) of the old Danish privileges.⁶¹ But since their position was vulnerable, they joined forces with merchants from the island of Gotland, some of whom were ethnically German.⁶² However, things took a turn for the worse when Lübeck attacked Copenhagen in 1249 and destroyed the goods of some London merchants. Nonetheless, Lübeck merchants were invited to return to London after paying compensation.⁶³ But it took Lübeck until 1267 to obtain legal parity with Cologne in London and England.⁶⁴

Until then, Lübeck merchants—together with other 'German' traders frequenting London—sheltered under the old Danish privileges.⁶⁵ Between 1240 and 1260 the different 'German' Hanses in London gradually began to operate under one name, or as the *Liber Albus* in London said: *la ferme des Coloniens, cestassavoir de la saille des Deneis*.⁶⁶ Between 1250 and 1280, the 'German' merchants in London tried to shore up their rights under the old (and shaky) Danish privileges by obtaining charters in their own right, but also to escape the burdens under which the old Danish charters would have placed them, had they been observed to the letter.⁶⁷ Needless to say, London detected the subterfuge. In 1282, it was able to force the new 'German Hanse'⁶⁸ to take on the old Danish obligation of maintaining Bishopsgate.⁶⁹

This 'German Hanse' was an artificial creation, whose fragile unity had been forged by external pressure. From the 1260s, all German merchants in London, be they from the Baltic or from Cologne, had found themselves dragooned into a 'German Hanse'. This 'Hanse', in the singular, displaced the various Hanses, in the plural, i.e. the various groups of traders which

⁶¹ Jahnke (2011), chapter III.

⁶² HUB I, no. 281, p. 94: *omnibus mercatoribus de Guthlandia... quas ducent de partibus suis Guthlandie*.

⁶³ HUB I, no. 405f., p. 132.

⁶⁴ Jahnke (2011).

⁶⁵ Jahnke (2011).

⁶⁶ *Liber Albus* 229: 'the farm of the Cologners, that is to say the hall of the Danes'.

⁶⁷ Jahnke (2011), chapters III and IV.

⁶⁸ *Liber Albus* 485–8; Lappenberg (1851), Stahlhof, Urkunden, no. XXXI, 14ff.

⁶⁹ *Item porta de Bisshopsgate, quam gentes Danorum antiquitus solebant sustinere et debebant pro libertate, quam habebant in civitate Londoniensi, nunc per defectum ipsorum... fere corruietur...*, HUB I, no. 747, 262; Lappenberg (1851), Stahlhof, Urkunden, no. 29, 14; Bugge (1906) 263f.

had existed before. The members of this new 'Hanse' came from a different political, economic and historical backgrounds and accepted their new status only for the pragmatic reason that it promised better access to the English market.

This loosely constituted group of merchants found common cause only in the defence of its common privileges. That, in turn, forced them to create and maintain common institutions, common politics and a common life within the walls of the Danish hall. In so doing, the German Hanse in London made itself unique: it created one group which subsumed the regional privileges of its individual members. The ambitions of the city of Lübeck to obtain privileges in the first place and its unique situation of being part of the Danish empire, albeit briefly, made this development possible. But pooling the individual privileges which the merchants from Cologne, Tiel, Bremen, the Baltic and Lübeck enjoyed was the crucial development.

The same development took place in Flanders, under Lübeck's leadership. In this market, most important for the supply of cloth, no single group of foreign merchants had a significantly more advantageous legal position than the others. Therefore, if privileges were to be acquired, they had to be acquired in common. So when Lübeck started to think about negotiating for rights in 1252/53, it canvased for support from other groups of merchants.⁷⁰ In so doing, Lübeck encountered an obstacle. In the eyes of the countess of Flanders, Lübeck merchants were insignificant junior partners of the big Cologne merchant houses. They therefore had to find an all-embracing term, one which included merchants from the Rhineland cities, but did not exclude others from the East. On the spot, it would seem, the Lübeck chancery coined the term 'all merchants of the Roman Empire' (*universi mercatores Romani imperii*), which made its first appearance on the historical stage in Flanders in 1253.⁷¹ It is clear that this designation was born out of necessity; even so, it did yeoman service.⁷² Lübeck's diplomats may have done the negotiating, but from the start they demanded privileges for all *mercatores imperii Romani*, a term the Flemish chancellory adopted, but defined as the assembly of the cities of Cologne, Dortmund, Soest, Münster and others.⁷³ As a result,

⁷⁰ Stein (1903) 46–9.

⁷¹ HUB I, no. 421f., pp. 137ff.; no. 428, pp. 140f.; no. 431ff., pp. 142–8.

⁷² Jahnke (2011).

⁷³ HUB I, 428, 140f.; Stein (1903) 68f.; Jahnke (2011), chapter V.

the 'German' merchants in Flanders found themselves in the same situation as their counterparts in London. By virtue of the fact that they held privileges of the countess of Flanders in common, they were forced to create an artificial community in order to defend those privileges.

We can observe similar developments in Scandinavia and Russia. Since the war against Norway in 1284 was buttressed by a common boycott of Norway, the support for which was so massive that the king of Norway ascribed it to a 'conspiracy of the Germans' (*conjuratio Theotonicorum*),⁷⁴ the Norwegian privileges of 1285 were issued to 'the German merchants frequenting our kingdom' (*mercatores Theutonici ad regnum nostrum venientes*).⁷⁵ By virtue of this common charter and the concomitant necessity of defending common rights, the 'German' merchants were forced into one artificial group.

The same rule holds true in the case of Novgorod, even if the situation there was somewhat dissimilar due to differences in religion and traditions. The situation at the *Kontor* in Novgorod was governed by the development in the city of Visby. Because of the seasonal character of the *Kontor*, which was closed twice a year, it could not develop political continuity. This was provided by the merchants assembled in Visby on the island of Gotland, half way to Novgorod. Here in Visby the older-man of different merchant-groups met up to 1298 in their assembly hall, the Staven,⁷⁶ to deliberate upon the matters of the settlement, a function that in 1298 was taken over by the city of Lübeck. Thus we can see that in the case of Novgorod, too, the foreign merchants were pressed into an artificial community, not merely by economic considerations, but also by religious differences between Catholic and Orthodox.⁷⁷

⁷⁴ HUB I, no. 968, p. 331.

⁷⁵ HUB I, no. 970, pp. 332f.

⁷⁶ Jahnke (2011), chapter VI. The Staven of Visby resembled a guild hall, in which different groups ('Hansen') had their own benches. The present state of our knowledge is that the cities of Lubeck, Soest and Dortmund had their own benches in the Staven. Every bench had its own alderman and could incorporate merchants from other towns also, as for example the merchants from Salzwedel were incorporated in the Lübeck bench in 1263 (HUB I, no. 593, p. 208). All merchants assembled in the Staven elected a common alderman who represented the interests of the whole merchant-group. The term "Gotländische Genossenschaft" employed by many older and even by contemporary scholars, is not well attested in the sources and does not correspond to the reality of the Staven.

⁷⁷ Jahnke (2011).

V. Conclusion

When Lübeck became a 'German' city in 1158, the situation of its merchants was not altered. They were still very much junior partners, forced to work within existing commercial structures. In particular, neither they nor the citizens of the other 'German' towns soon to be founded around the Baltic coast possessed privileges of their own in the principal centres of trade in the West or the East. Consequently, Lübeck's policy in the following years was two-pronged: economic expansion had to go hand in hand with obtaining privileges in overseas markets. The position of Lübeck's merchants improved quite suddenly when the town accepted Danish suzerainty in 1201. As Danish subjects, Lübeck merchants enjoyed privileges which were denied to other 'German' groups trading abroad. But this advantage disappeared as quickly as it had appeared when the city rebelled against the Danish king in 1226/27.

After 1227 Lübeck merchants were only marginally better off than in 1201, but this minor improvement was the starting point of the 'German Hanse'. Continued enjoyment of the old Danish privileges in London served as a common incentive to unite the differing interests of various groups of 'German' merchants there. By combining their individual and disparate rights they managed to garner rights in common. Having obtained these privileges, they had no choice but to act in common to defend them, which meant abandoning parochial concerns for the common good. This was the mainspring of 'the' Hanse in London.

Driven by the development in London, Lübeck merchants tried to initiate the same in the Flemish markets.⁷⁸ Here, their privileges were insignificant compared to those of the other merchant groups and consequently Lübeck's offer to negotiate with the countess of Flanders at its own expense fell on fertile ground. But Lübeck was certainly not altruistic. By introducing the term *mercatores imperii Romani* it coerced the others into accepting the same situation as in London.

The new Flemish privileges could only be upheld if all merchants cooperated. Since Lübeck had taken the lead in negotiating with the countess, the role of Lübeck merchants was enhanced. If it was true that for some time nothing had been possible in Flanders without Cologne, the same was now true of Lübeck. Consequently, merchants from Cologne

⁷⁸ The developments in Flanders and England preceded more or less simultaneously. See Jahnke (2011).

were forced to cooperate in Flanders with their counterparts from Lübeck, however economically insignificant they might have appeared to be.

The situation in the Baltic was comparable to that in the West. In Novgorod, common interests could only be defended by developing common policies. Institutionally, common policy was forged by the Staven of Visby, where Lübeck merchants rose from obscurity to dominance, and from 1298 by the Lübeck council. A similar situation can be found in Norway and on the Scanian markets.⁷⁹

Central to all these developments was the participation of Lübeck merchants. Owing to Lübeck's central position at the juncture of the western and the eastern trading areas, its merchants were present at all markets. By claiming privileges in the name of the 'German Hanse' Lübeck managed to create optimal conditions for the growth of its own trade and to pave the way for a common, 'Hanseatic' trade in Europe. In the course of time, Cologne merchants began to trade with Scania⁸⁰ and Prussian merchants, under the tutelage of the Teutonic Order, ventured forth to Bruges,⁸¹ aided by the privileges Lübeck had acquired many years before.

Owing to its presence in all important markets, Lübeck became the key player in the new Hanseatic system. But we must beware of assuming that this meant that the system was politically dominated by Lübeck. Its influence depended upon its ability to create and harness a community of interest among the other towns.⁸²

The early history of the Hanse made it crystal clear that towns pursued common goals only so long as they were consonant with their own parochial interests. This made the system both flexible and weak. It was flexible because the Hanse had no choice but to adjust its decisions according to the shifting majority of its members and forge a consensus at every point. It was weak because it could only take concerted action when most of its members were in agreement with one other.⁸³

In the end, the Hanse was simultaneously typical and untypical for the Middle Ages. It was typical in that it was only one of many Hanses which sought new and better privileges in foreign markets, among

⁷⁹ Jahnke (2000) 193–206.

⁸⁰ Jahnke (2000) 255–8.

⁸¹ Renken (1937).

⁸² Jenks (1992).

⁸³ Something that only happened once, when king Valdemar Atterdag of Denmark alienated all in 1368. Dollinger (1989) 96–102. See also von Brandt (1962) 7–14; Jenks (1992) 140f.

them the Flemish Hanse of Seventeen Towns⁸⁴ and the Danish guild of St. Canute.⁸⁵ Typical, too, was the inner structure of the Hanse as a loose confederation.

However, the Hanse was untypical as well. Not only its longevity, but the sheer size of its trading area—ranging from the Urals to Portugal and Greenland to Central Germany—made it unique. The ‘German’ merchants who traded with these areas had, in the long run, a significant impact on the development of the Hanse. More important, perhaps, was the fact that Hanseatic trade was the catalyst for the growth of the Hanse, creating an environment—both cultural and linguistic—in which petty differences faded into the background and the common cause became central.

In all of this, Lübeck held the key position. But its significance for the history of the Hanse was quite different from the role conjured up for it by the febrile imagination of nationalistic German historians. Lübeck and the Hanse were, to be sure, intertwined, but not in the sense that the emergence of the Hanse was an intended consequence of the founding of Lübeck in 1158. The Hanse was a loose-jointed confederation of towns forced by circumstances into cooperation. While it is not to be denied that Lübeck profited from this state of affairs, other towns would never have cooperated if Lübeck had been the only winner. In fact, Lübeck’s policies opened up the Northern European markets to all other ‘Germans’ and they profited accordingly. As long as this was so, Lübeck’s leadership was accepted, but when Lübeck ceased to be the intermediary between East and West in the sixteenth century, the day of the Hanse was over.

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⁸⁴ Wyffels (1963); Van Ommeren (1978) 27–52. See further Pirenne (1899) 1–46; Van Werveke (1953a) 289–320 and (1953b) 5–42.

⁸⁵ Jahnke (2008) 165 and 182 with further references.

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THE LONDON STEELYARD'S CERTIFICATIONS OF MEMBERSHIP 1463–1474 AND THE EUROPEAN DISTRIBUTION REVOLUTION

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The path of evolution of the European economy from the Middle Ages to the present was anything but smooth and continuous. It was marked by a series of discontinuous jolts, as the pace of economic change accelerated and transformed the landscape, each transformation in turn becoming the platform from which its successor would take off. We are familiar with some of these revolutions. Every day, we experience the effects of the Information Revolution, and the Industrial Revolution needs no introduction. Some forty years ago, Robert Lopez introduced the concept of the Commercial Revolution of the Middle Ages,¹ and in recent years scholars have come to recognize that there was a Consumption Revolution which started at some point in the early modern era.² In this paper, I would like to suggest that there was a fifth revolution, the Distribution Revolution, which built on the achievements of the Commercial Revolution and without which the Consumption Revolution would have been inconceivable.

The fundamental transformation which the Distribution Revolution brought about was that between the waning of the Commercial Revolution in the early fourteenth century and the beginning of the Consumption Revolution in the early modern era the path which a particular good took from the producer (or point of import into Europe) to the consumer became much less random, as markets were linked to one another, forming a fairly stable hierarchy running from the great international fairs (Antwerp, Frankfurt, later Leipzig) through their satellite

¹ Lopez (1971).

² See the excellent survey of the literature by Blondé (2006). Opinion is divided as to when the Consumption Revolution began. Periods ranging from the early sixteenth to the mid-eighteenth century have been named. de Vries' concept of an Industrious Revolution, running from c. 1650 to c. 1850, does not exclude the possibility that there was a Consumption Revolution, but does look at it from the point of view of demand—people contributed more labor to the market in order to be able to consume more, especially exotic products such as tea, coffee, chocolate, tobacco etc.—rather than from that of supply, i.e. the shops which arose to supply this newly arisen demand: de Vries (2008).

fairs³ (Nördlingen for Frankfurt, Naumburg for Leipzig), the more regional 'yearly markets' (*Jahrmärkte*) held in smaller towns, often enough several times a year,⁴ down to the weekly markets and the humble peddler treading along country roads and pathways. This increasingly hierarchical system distributed goods coming from overseas to local consumers and collected products from the countryside and fed them into the regional and international markets.⁵

In the Hanseatic world, the Distribution Revolution had a marked effect. Ever more towns contented themselves with supplying the markets one level up in the hierarchy, so that their merchants no longer ventured any farther than that. In the course of the late Middle Ages, the overseas Hanseatic *Kontore* played host to merchants from an ever-shrinking number of towns.

It is with this aspect of the Distribution Revolution which this paper deals. We have a unique source—the so-called Guildhall certificates—which record, for the period from 1463 to 1474, the names of all Hanseatic merchants trading with England, broken down by year (or customers' accounting period, if briefer) and customs district. Consequently, we are in a position to identify and localize the merchants and test the thesis that only the merchants of a small number of Hanseatic towns ventured overseas in the later fifteenth century. However, there is one difficulty to be overcome. Since Lloyd—having analyzed three of these Steelyard certifications⁶—came to the conclusion that one must doubt 'the integrity of those operating the system', particularly since the Steelyard 'deliberately antedated' its certifications 'with a date that is demonstrably false',⁷ we must begin by subjecting the Guildhall certificates to a rigorous test of their value as sources. After all, if the Steelyard omitted the names of Hansards trading with England or included fictitious names in its certifications, then no conclusion drawn from an analysis of the origins of the

³ Goods which could not be sold at the great international fairs were knocked down at these secondary fairs, which usually took place soon after the end of the international fair.

⁴ Such was the case in Prussia: Sarnowsky (2002). Cf. Irsigler (2003) on the 'yearly markets' of the upper Rhine valley.

⁵ This was not merely a continental—or even German—system, as the dispute between Masschaele and Britnell shows. Both are agreed that a similar hierarchy of markets arose in England in the Middle Ages, but disagree about when. Masschaele (1991) believes this was substantially the case around 1300, while Britnell (2000) argues for a more gradual transition between 1300 and 1500.

⁶ Lloyd (1991) 378–80. 'Gildhall certificates' is Lloyd's term (and spelling).

⁷ Lloyd (1991) 379.

merchants named in them is of any value whatsoever. Only after an—admittedly rebarbative—close analysis of the evidentiary value of the Guildhall certificates (part I) can we turn to the question of what they tell us about the origins of Hanseatic merchants trading with England (part II). In a short conclusion, I will view the results of this analysis in a longer perspective, asking what the evidence on the Hanseatic presence in England between 1463 and 1474 tells us about the effects the Distribution Revolution had (part III).

I. *The Steelyard's Certifications*

On 9 July 1463, the London Steelyard certified to the Hull customers John Fereby and John Grene that Rainald Kyrkholde, Johannes Broun, Jasper Mayner, Heinrich Keysepenny, Johannes Felebrigge, Richard Scaght, Court Knopp, Heinrich Gysepenny, Martin Howenoygh, Jakob Plubb, Andreas Herder, Hermann Gleman, Johannes Wynryk, Bartholomäus Wry, Bartholomäus Wolff, Heinrich van Ose, Heinrich Scottowe, Simon Sawle, Johannes Bisshopp, Jakob Prote and Ambrosius Stele were ‘merchants of the said realm of Almain of the said Guildhall of the Teutons’.⁸ In issuing this certification, the Steelyard was reacting to growing English concerns that non-Hansards were claiming the Hanse’s privileges.⁹ Indeed, during the first years of Edward IV’s reign (1461–83), the English government appears to have come to the conclusion that the enjoyment of the Hanse’s privileges had to be restricted to the members of the London *gildhalla Theutonicorum*. It was precisely this membership that the Steelyard certified on 9 July 1463.

⁸ TNA: PRO, E122/62/4 dated 9 July 1463. The Steelyard certified *quod Rainaldus Kyrkholde, Johannes Broun, Jasper Mayner, Henricus Keysepenny, Johannes Felebrigge, Ricardus Scaght, Court Knopp, Henricus Gysepenny, Martinus Howenoygh, Jacobus Plubb, Andreas Herder, Hermannus Gleman, Johannes Wynryk, Bartholomeus Wry, Bartholomeus Wolff, Henricus van Ose, Henricus Scottowe, Simon Sawle, Johannes Bisshopp, Jacobus Prote et Ambrosius Stele mercatores dicti regni Almanie existunt de dicta domo guylldhalle Theutonicorum absque dolo vel fraude*.

⁹ The Hansards enjoyed significantly lower rates of customs and subsidies—in particular freedom from the cloth customs of 1347, tunnage (3s per tun of wine) and poundage (12d per £) by virtue of the Treaty of London of 22 March 1437: HR II 2 no. 84 § 3, p. 85. Therefore, any merchant shipping goods via English ports could, in theory, obtain a competitive advantage by claiming to be Hanseatic, since no customer could verify the claim on the spot. However, English suspicions that the hordes of merchants claiming the protection of the Hanse’s privileges in England were not, in fact, genuinely Hanseatic were much older, reaching back to the early fourteenth century.

The certification the Steelyard issued on 9 July 1463 has survived in the original together with Fereby and Grene's customs account for the period from 6 July to 26 August 1463, having been sewn onto their petition for exoneration for £24 6d which the auditor had charged them for poundage on Hanseatic imports and exports worth £480 10s. If one compares Fereby and Grene's particulars of account with the Steelyard's certification, one cannot doubt but that the *certificatio* does, in fact, contain the names of Hansards trading with Hull during the accounting period. Oddly, however, there are some merchants whom the particulars of account designate as Hanseatic whose names do not appear in the Steelyard's certification, but only in a second schedule (*cedula*), also transmitted together with the customs account. This schedule differs significantly from the Steelyard's certification: it is written in a different hand, it is not sealed and it specifies each merchant's volume of trade in addition to giving the merchants' names.¹⁰

This raises a number of questions: How could the Steelyard have known on 9 July 1463 how long the Hull customers' accounting period would last? How it could be sure that no other Hanseatic merchants would land in Hull before 26 August 1463 (when the accounting period ended)? And how could it—on 9 July 1463—have issued a certification of Hansards trading with Hull, given that the customers' particulars do not record any Hanseatic trade before 22 August, more than six weeks later?¹¹

Lloyd's answer is simple: The Steelyard 'deliberately antedated' its certifications.¹² However, he does not provide any explanation of what motives the Steelyard might have had for so doing,¹³ although one might rightly have expected a discussion of the *causa falsificandi*. Moreover, his analysis was undertaken on the basis of only three of the total of 73 'Gildhall certificates' to have survived. In addition, the plausibility of his arguments

¹⁰ TNA: PRO, E122/62/4 m 3d: *Court Bode valoris 100s, Otte Scowlte valoris 20s, Yonge Johan valoris £10, Hans Donway valoris £40, Hans Fowler valoris £28, Berne Sporech valoris £6 13s 4d, Garard Hanson valoris 40s, Adrian Mertyn valoris 20s, Bertholomeus Bowme valoris 20s, Thomas Williamson valoris £35, Hans Dortholt valoris £15, Walterus van Grove valoris 26s 8d, Paulus Willyng valoris 66s 8d, Martinus Milhand valoris 40s, Hans Dyk valoris 20s, Jacobus Wyscove valoris 33s 4d, Martinus Bole valoris 33s 4d, Hans Crosse valoris £8, Martinus Hove valoris 26s 8d; [Sum:] £165.*

¹¹ Further Hanseatic imports were recorded on 24 Aug. 1463, but the account does not record any Hanseatic exports.

¹² Lloyd (1991) 379.

¹³ He only states, "What lay behind this is a mystery as yet unsolved" (*ibid.*).

is vitiated from time to time by slapdash work,¹⁴ and he is insufficiently aware of the Exchequer's accounting procedures and of the London *Kontor's* archival practices. Therefore, it is legitimate to open up the whole question once more, especially since an examination of all 73 surviving certifications demonstrates how wrong Lloyd was, comes to a much more generous appreciation of their evidentiary value and, in so doing, upholds 'the integrity of those operating the system'.

The thirteen certifications to have survived in the original all display the same external characteristics. They were all written in one go in a non-English hand¹⁵ well attested in the Steelyard's contemporary correspondence. Furthermore, they were all sealed with the same seal—

¹⁴ Lloyd's assertion that the certification issued to the Hull customers on 9 July 1463 and the schedule transmitted with the particulars of account "name all but three of the Hanse captains, sailors and merchants importing in three Danzig ships which came to Hull on 22 and 24 August 1463" (Lloyd (1991) 378) is simply wrong. All Hansards are named in one or the other document. Moreover, Lloyd has erred in his characterization of the schedule. It was not issued by the Steelyard, but was rather drawn up by the Exchequer and it lists all persons who had told the customers they were Hansards but had not been included in the Steelyard's certification. Nonetheless, the Exchequer exonerated the Hull customers for the trade conducted by these individuals (who were most probably sailors). The operative word was *exoneratio*: Lloyd's characterization of the corresponding petitions submitted by the customers as "claim[s] for allowances" (p. 378) is false. In Exchequer usage, an allowance (*allocatio*) was a credit granted against the total amount the customers owed to the crown (*summa recepte*) upon proof that the customers had paid out a sum of money at the king's behest or had had legitimate expenses (e.g. rent): TNA: PRO, E356/21 m 15d; TNA: PRO, E368/237 Visus et status compotorum Hillarii m 2. In addition, Lloyd overlooked the fact that the second Steelyard certification he cites—issued to the Hull customers on 19 Feb. 1466 for the accounting period from 18 Mar. to 29 Sept. 1465—does not include the names of seven out of the total of 40 merchants whom the particulars of account designate as Hansards. In the margin the Exchequer clerk entered a cross (indicating an error) against the names of three of these merchants (Martinus Resse, Hanse Couper and Mattys Borre) and noted *Hans' quia non in certificatione* (TNA: PRO, E122/62/7) in order to signal the barons that the assertion of the merchant in question that he belonged to the Hanse was not true. Against the names of the remaining four merchants (Laurencius Grote, Petrus Streinkynder, Clays Harskyn, Johannes Court) the Exchequer clerk entered a marginal dot (Childs (1986) 91 missed this point) in order to show that he accepted that these merchants were indeed members of the Hanse. Nonetheless, the Exchequer rejected the petition of the customers for exoneration in all seven cases: TNA: PRO, E356/21 m 16d: *Et onerantur super compotum de 5s 5¼d de custuma contingente 3 pannos, 2½ virgas panni de assisa sine grano diversorum mercatorum de Almannia vocatorum Hans' in certificatione predicta non specificatorum et in portubus et locis predictis custumata et abinde, ut predicitur, educta infra tempus predictum... Et onerantur super compotum de 5s 4d de subsidio diversarum rerum et mercandiarum diversorum mercatorum de Almannia vocatorum Hans' in supradicta certificatione prefatis collectoribus directa in 6^a particula precedenti annotata non specificatorum et in portubus et locis predictis custumata et abinde educta infra tempus predictum, que quidem res et mercandise ad 106s 7d estimabantur juxta verum valorem earundem.*

¹⁵ The characteristic long English 'r' is lacking in these documents.

the London *Kontor*'s seal for day-to-day business—in the same fashion, the seal being impressed on the face of the document. Moreover, the Steelyard's *certificationes* display the same internal characteristics, having a standard diplomatic form virtually from the outset.¹⁶

Universis et singulis presencia visuris seu legi audituris et specialiter honorabilibus et discretis viris customariis domini regis in portu ville de [the name of the customs district was entered here] amicis nostris sincere dilectis nos aldermannus et communes mercatores regni Almanie habentes domum in civitate London', que guyldhalla Theutonicorum vulgariter nuncupatur, in eadem civitate nunc existentes post debite reverencie et salutacionis, prout uniuscujuscumque status requirit, exhibicionem cupimus innotesci, quod [the names of the Hanseatic merchants were entered here] mercatores dicti regni Almanie existunt de dicta domo guyldhalle Theutonicorum absque dolo vel fraude. In cujus rei testimonium sigillum nostrum secretum inferius ad marginem hujus littere fecimus apponi anno Domini [the date was entered here].

Therefore, we can conclude that the Steelyard's certifications were not produced in a haphazard fashion, but were carefully framed by the *Kontor*'s clerk. Furthermore, we can exclude the possibility that the Steelyard sent blank certifications to the customers in the individual customs districts to be filled out with the names of the merchants claiming to be Hansards.

A comparison of the accounting periods of the customs accounts with the dates on which the Steelyard's 73 surviving certifications were produced (Table 1) shows that 48 (66%) were issued before the end of the accounting period, five more (7%) within ten days of the closing date and only 20 (27%) significantly later.

On first sight, this table would seem to offer iron-clad proof for Lloyd's assertion that the Steelyard deliberately antedated the certifications. Therefore, we have to look at his arguments in detail. He has proposed two explanations as to how the Steelyard certifications might have come to be antedated which do not involve deliberate deception by the London *Kontor*. (1) In regard to the certification for the Hull customers dated 9 July 1463, he states 'that on 9 July the Gildhall sent to Hull the names of those

¹⁶ The only divergence from this form is in the case of London. This was necessary because there were three pairs of customers in London—one each for staple merchandise, petty customs and tunnage and poundage—and because London was designated as a *civitas* rather than a *villa*.

Table 1 Steelyard Certifications 1463–1474¹⁷ (Originals in Italics)

District	Accounting period	Date of Accounting	Date [No.]
Lynn	7/6/1463–12/7/1463	Easter 1464	24/11/1464 [1]
Hull	6/7/1463–26/8/1463	<i>Hilary 1465</i>	9/7/1463 [2]
Ipswich	10/7/1463–31/8/1464	<i>Easter 1465</i>	16/10/1464 [3]
Boston	20/7/1463–3/5/1464	<i>Michaelmas 1464</i>	22/11/1464 [4]
Hull	6/10/1463–29/9/1464	<i>Easter 1465</i>	4/2/1465 [5]
London PC	27/1/1464–5/12/1464	<i>Hilary 1465</i>	13/2/1465 [6]
Yarmouth	29/9/1464–20/8/1465	<i>Michaelmas 1465</i>	8/4/1465 [7] 8/11/1465 [8]
Hull	29/9/1464–16/11/1464	Michaelmas 1465	16/11/1464 [9]
Lynn	19/11/1464–19/11/1465	<i>Michaelmas 1465</i>	22/11/1465 [10] 23/11/1465 [11]
Ipswich	22/12/1464–29/9/1465	<i>Michaelmas 1465</i>	15/10/1465 [12]
Boston	25/2/1465–29/9/1465	<i>Michaelmas 1465</i>	16/11/1465 [13]
Hull	18/3/1465–29/9/1465	<i>Hilary 1466</i>	19/2/1466 [14]

¹⁷ Sources (all TNA: PRO): 1) E368/236 Visus et status compotorum Pasche m 8; 2) E122/62/4 m 2; 3) E101/686/21; 4) E122/10/4 f. 10^r; 5) E101/686/20; 6) E101/128/39; 7–8) E122/152/5 m 1; 9) E368/238 Visus et status compotorum Michaelis m 5; 10–11) E122/97/4 m 2; 12) E122/52/47 m 1^r; 13) E122/10/5 f. 16^r; 14) E122/62/7 m 1d; 15) E122/52/48 f. 9^r; 16) E368/240 Visus et status compotorum Michaelis m 4d; 17–21) E368/240 Visus et status compotorum Trinitatis m 2; 22) E368/240 Visus et status compotorum Trinitatis m 3; 23–24) E368/240 Visus et status compotorum Michaelis m 4d; 25) E368/241 Visus et status compotorum Trinitatis m 1; 26) E368/240 Visus et status compotorum Michaelis m 5; 27) E368/240 Visus et status compotorum Pasche m 10; 28) E368/240 Visus et status compotorum Michaelis m 4d; 29) E368/241 Visus et status compotorum Hillarii m 1; 30) E368/240 Visus et status compotorum Michaelis m 4; 31) E368/240 Visus et status compotorum Michaelis m 4; 32) E368/240 Visus et status compotorum Michaelis m 5; 33) E368/241 Visus et status compotorum Hillarii m 1; 34) E368/241 Visus et status compotorum Pasche m 9; 35) E368/241 Visus et status compotorum Trinitatis m 1d; 36–39) E368/242 Visus et status compotorum Pasche m 13; 40) E368/241 Visus et status compotorum Pasche m 9d; 41) E368/242 Visus et status compotorum Trinitatis m 2; 42–43) E368/241 Visus et status compotorum Michaelis m 4d; 44–45) E368/241 Visus et status compotorum Michaelis m 4d; 46–47) E368/241 Visus et status compotorum Michaelis m 4; 48) E368/241 Visus et status compotorum Hillarii m 1; 49) E368/241 Visus et status compotorum Michaelis m 1; 50) E368/243 Visus et status compotorum Trinitatis m 2d; 51) E368/243 Visus et status compotorum Michaelis m 2; 52–55) E368/242 Visus et status compotorum Michaelis m 3; 56) E368/242 Visus et status compotorum Pasche m 13; 57) E368/243 Visus et status compotorum Pasche m 9; 58) E368/244 Visus et status compotorum Michaelis m 6d; 59) E368/244 Visus et status compotorum Hillarii m 1; 60) E368/244 Visus et status compotorum Hillarii m 2; 61–62) E368/245 Visus et status compotorum Michaelis m 7; 63) E368/245 Visus et status compotorum Trinitatis m 2; 64) E368/245 Visus et status compotorum Michaelis m 5; 65–66) E368/246 Visus et status compotorum Hillarii m 2; 67) E368/247 Visus et status compotorum Pasche m 7; 68) E368/246 Visus et status compotorum Michaelis m 4; 69) E368/246 Visus et status compotorum Hillarii m 2; 70) E368/247 Visus et status compotorum Michaelis m 5d; 71) E368/248 Visus et status compotorum Trinitatis m 2; 72) E368/248 Visus et status compotorum Trinitatis m 3; 73) E368/248 Visus et status compotorum Hillarii m 2.

Table 1 (*cont.*)

District	Accounting period	Date of Accounting	Date [No.]
<i>Ipswich</i>	<i>29/9/1465–19/3/1466</i>	<i>Easter 1466</i>	<i>1/5/1466 [15]</i>
Sandwich	12/3/1466–1/4/1466	Michaelmas 1467	13/3/1466 [16]
Lynn	19/3/1466–2/11/1466	Trinity 1467	26/5/1466 [17]
			26/5/1466 [18]
			23/8/1466 [19]
			23/8/1466 [20]
			13/11/1466 [21]
Boston	25/3/1466–25/3/1467	Trinity 1467	25/4/1467 [22]
Sandwich	1/4/1466–29/9/1466	Michaelmas 1467	2/4/1466 [23]
			3/7/1466 [24]
Hull	29/9/1466–29/9/1467	Trinity 1468	29/7/1467 [25]
London PC	29/9/1466–29/9/1467	Michaelmas 1467	10/7/1467 [26]
Ipswich	29/9/1466–5/11/1466	Easter 1467	20/10/1467 [27]
Yarmouth	29/9/1466–29/9/1467	Michaelmas 1467	10/5/1467 [28]
Sandwich	29/9/1466–17/1/1467	Hilary 1469	13/1/1467 [29]
Lynn	2/11/1466–2/11/1467	Michaelmas 1467	21/1/1468 [30]
Ipswich	5/11/1466–29/9/1467	Michaelmas 1467	5/4/1467 [31]
London TP	14/12/1466–29/9/1467	Michaelmas 1467	10/8/1466 [32]
Sandwich	17/1/1467–18/8/1467	Hilary 1469	28/8/1467 [33]
Boston	25/3/1467–6/3/1468	Easter 1468	31/12/1467 [34]
Sandwich	28/8/1467–3/2/1468	Trinity 1468	3/2/1468 [35]
Hull	29/9/1467–29/9/1468	Easter 1469	13/11/1467 [36]
			23/5/1468 [37]
			1/6/1468 [38]
			21/4/1469 [39]
Ipswich	29/9/1467–23/11/1467	Easter 1468	18/10/1468 [40]
Bristol	29/9/1467–13/2/1468	Trinity 1469	June 1468 [41]
Yarmouth	29/9/1467–29/9/1468	Michaelmas 1468	22/4/1468 [42]
			5/6/1468 [43]
Lynn	2/11/1467–2/11/1468	Michaelmas 1468	6/5/1468 [44]
			6/8/1468 [45]
Ipswich	23/11/1467–29/9/1468	Michaelmas 1468	3/10/1468 [46]
			18/10/1468 [47]
Sandwich	3/2/1468–29/9/1468	Hilary 1469	29/9/1468 [48]
Boston	6/3/1468–25/12/1468	Michaelmas 1468	24/5/1468 [49]
Hull	29/9/1468–29/9/1469	Trinity 1470	2/1/1469 [50]
Sandwich	29/9/1468–6/9/1469	Michaelmas 1470	1/10/1468 [51]
London TPPC	29/9/1468–6/11/1469	Michaelmas 1469	23/6/1468 [52]
			30/8/1469 [53]
			5/11/1469 [54]
			10/9/1469 [55]
Ipswich	29/9/1468–2/4/1469	Easter 1469	19/4/1469 [56]
London TPPC	8/11/1469–8/2/1470	Easter 1470	5/7/1470 [57]

Table 1 (*cont.*)

District	Accounting period	Date of Accounting	Date [No.]
Ipswich	11/11/1470–3/6/1471	Michaelmas 1471	15/12/1470 [58]
Ipswich	3/6/1471–30/9/1471	Hilary 1472	29/8/1471 [59]
London PC	6/6/1471–29/9/1471	Hilary 1472	17/7/1471 [60]
London PC	29/9/1471–4/8/1472	Michaelmas 1472	4/8/1472 [61]
			4/8/1472 [62]
Ipswich	30/9/1471–31/3/1472	Trinity 1472	24/3/1472 [63]
Ipswich	31/3/1472–29/9/1472	Michaelmas 1472	14/5/1472 [64]
London PC	4/8/1472–29/9/1473	Hilary 1474	26/9/1472 [65]
			29/9/1473 [66]
Sandwich	6/8/1472–29/9/1473	Easter 1474	8/8/1472 [67]
Ipswich	29/9/1472–28/12/1472	Michaelmas 1473	2/12/1472 [68]
Ipswich	15/7/1473–29/9/1473	Hilary 1474	21/4/1473 [69]
London PC	29/9/1473–26/5/1474	Michaelmas 1474	7/10/1473 [70]
Sandwich	29/9/1473–17/11/1474	Trinity 1475	21/1/1474 [71]
London PC	26/5/1474–29/9/1474	Trinity 1475	7/9/1474 [72]
London PC	29/9/1474–29/9/1475	Hilary 1476	9/10/1474 [73]

known to be importing there in the near future'.¹⁸ However, this does not explain how on 9 July 1463 the Steelyard could possibly have known the names of those who would be importing merchandise to Hull on 22 and 24 August 1463. Indeed, since the *Kontor* itself underscored in a letter to Lübeck on 28 November 1465 that it could not possibly know the names of all the Hanseatic merchants, skippers and sailors who brought merchandise to England,¹⁹ we can safely dismiss this explanation. (2) Regarding the Steelyard's certifications dated 22 and 23 November 1465, directed to the Lynn customers accounting for the period from 19 November 1464 to 19 November 1465, Lloyd states: 'Since the year of account ended only on 19 November there is no way in which the necessary information would have been available for certificates to be written in the London Guildhall three and four days later.'²⁰ Perhaps, he goes on to say, a representative of the London *Kontor* inspected the 'day books' of the customers in Lynn

¹⁸ Lloyd (1991) 378.

¹⁹ HR II 5 no. 736, pp. 525–6: *Syntdemmale dan dat ute den steden van der hense manyghe coplude, schepphere und scheppkyndere met eren ghuderen hir in Engelant komen, der wii nicht all en kennen, so ist uns varlick, erbaren heren, alle sodane lude under unsen segele dem heren konynghe to certificierene*. Lloyd (1991) 380, is cognizant of this letter, but his citation is erroneous ("HR, II (v) no. 376").

²⁰ Lloyd (1991) 379.

immediately after the end of the accounting period and issued the certifications on the spot. This explanation is unlikely for a number of reasons. First, the Steelyard's representative—whose existence Lloyd has posited despite the fact that he has left no trace whatsoever in the records—would have to have been in Ipswich on 15 October, in Yarmouth on 8 November, in Boston on 16 November and in Lynn on 22/23 November 1465 at the latest, because 'Gildhall certificates'—issued on those days, written in the same hand and sealed by the *Kontor*'s unique seal for day-to-day business²¹—have survived in the original from each of these customs districts. It is conceivable that a representative could have ridden quickly enough to visit each of these harbors, but it is highly unlikely that the Steelyard would have allowed anyone to leave London carrying its only seal for day-to-day business at all, much less for more than a month. Secondly, it is far from certain that the customers worked with 'day books', i.e. unofficial registers of trade in the form of books or pamphlets. It is important to recognize that the customers did not deal with trade as such, but only with the issuance of cockets certifying the payment of customs.²² Let us take a specific example, namely the account of the Southampton customers John Foxholes and William Soper for the period 29 September 1425 to 29 September 1426, for which the customers' complete archive has survived. In the case of imports—customed on board of the ship before the cargo was discharged—the customers noted the issuance of the cockets on slips of paper which contained the name of the skipper, the date of the cocket, the name of the merchant and the particulars of his goods. These slips were sealed with the personal seal of one of the two customers (see Appendix I A). In the case of exports—customed on land before being loaded onto the ship—the customers sometimes entered the particulars of the cargo on a separate sheet of paper for each ship (see Appendix I B). These slips and sheets of paper clearly served as the basis for the customers' particulars of account, which were usually written up at the end of the accounting period or shortly thereafter. This procedure explains why some controlment rolls enter the names of the merchants in a given ship in a different order than they appear in the corresponding particulars of account, although both documents are identical in all other respects.²³

²¹ On the Steelyard's seals see Jenks (1992).

²² On the modalities of customs collection and the accounting of the customers at the Exchequer see Jenks (1987).

²³ Now, it might be objected that one example is not representative. However, an examination of all London customs accounts for which legible particulars and controlment rolls

Clearly, the slips and sheets of paper were not sorted until the very end of the accounting period. Such variations in order were, by the way, of no concern to the Exchequer when it accounted with the customers.

For our purposes, it is sufficient to underscore the fact that it would have been extraordinarily time-consuming for the Steelyard's supposed representative to look through the piles of paper lying about in the customers' offices and hunt out the Hanseatic merchants, particularly since in a customs district like London one would have had to plough through hundreds of sheets and thousands of slips of paper. It is unlikely in the extreme that a lone representative of the Steelyard could have accomplished this gargantuan clerical task in Yarmouth between 20 August 1465 (end of the accounting period) and 8 November 1465 (issuance of the Steelyard certification to the Yarmouth customers), in Ipswich between 29 September and 15 October 1465, in Boston between 29 September and 16 November 1465 and finally in Lynn between 19 November and 22/23 November 1465. It is even more unlikely that the customers—much less their clerk—would have allowed any outsider to paw through their precious papers, given that they were personally responsible to the crown for all customs income and had to have proof for every penny.

have survived from the reign of Henry VI reveals that the tunnage and poundage and petty customs customers were using the same procedure. If we compare the particulars of account for the London petty customs account running from 26 Jan. to 29 Sept. 1446 (TNA: PRO, E122/73/20A) with the controlment roll (TNA: PRO, E122/73/20 Part I), we find that the order of the merchants importing goods in the ship *Reynald de Dansk* captained by Ilbrand van Wolde on 28 Jan. 1446 is not identical, Johannes Blitterswyk's imports having been dislodged from no. 26 to no. 30 in the controlment roll. Similarly, the order of merchants exporting goods on 31 May 1446 in the ship *Jesus de London* captained by Peter Johanson is disturbed. If we number the 34 merchants in the particulars, they appear in the controlment roll in the following order: 1–4, 6–7, 5, 9, 8, 10–12, 14, 17, 16, 13, 15, 19, 21, 20, 22, 18, 34, 23–33. This discrepancy is only explicable if the customers and the controller were working from slips of paper in 1446. The same holds true for the following London tunnage and poundage and petty customs accounts: tunnage and poundage, 1 Aug.–29 Sept. 1425: TNA: PRO, E122/76/11 (particulars) and TNA: PRO, E122/76/13 (controlment roll); tunnage and poundage, 31 Mar.–29 Sept. 1450: TNA: PRO, E122/73/25 (particulars) and TNA: PRO, E122/76/43 (controlment roll). TNA: PRO, E122/73/4 has only survived in tatters and cannot be compared to the controlment roll (TNA: PRO E122/76/34). While the London wool customs and subsidy accounts generally record ships and merchants in the same order (albeit with spelling differences), there is one exception, the account for the period 15 Mar.–5 Nov. 1426: TNA: PRO, E122/76/14 (particulars) and TNA: PRO, E122/74/15 (controlment roll). Nonetheless, it would be remiss of me not to mention the indisputable fact that some private accounts—all written on paper rather than parchment—have survived. However, they do not seem to have been written up from day to day. One can only speculate as to whether they represent a draft of the particulars of account or a copy the customers kept for themselves.

The fact that the order of the names in the Steelyard certifications and in the customers' particulars of account is, in most instances, identical has persuaded Lloyd that the names of the Hanseatic merchants in the Steelyard's certifications were in fact taken directly from the particulars of account (in contradistinction to the controlment rolls)²⁴ and that the London *Kontor's certificationes* were intentionally antedated. But are we forced to accept this conclusion? Is there no other possible explanation? Let us take a closer look at the certification the *Kontor* issued to the Hull customers on 9 July 1463 and the corresponding particulars of account. Table 2 shows the names of the Hanseatic merchants in the order in which they appear in the Steelyard's certification (normal type) and the schedule (italics), which of course listed the names of those merchants claiming to be Hansards (and whose merchandise the customers initially designated as Hanseatic in the customs account), but were not certified by the Steelyard.

Table 2 Hull: Accounting Period from 6 July to 26 August 1463. Steelyard Certification Dated 9 July 1463 (E122/62/4, sewn onto m 2); Schedule Undated (E122/62/4 m 3d); Customs Account (E122/62/4 m 4)

Name	N u m b e r i n		
	Certification	Schedule	Customs account
Rainaldus ^a Kyrkholde	1		1 'Rainaldus Kyrkholde' 22/8 37 'Rainaldus Kyrkhowe' 24/8
Johannes ^a Broun	2		3 'Hans Broun' 22/8 9 'Hans Broun' 22/8
Jasper ^a Mayner	3		4 'Jasper Mayner' 22/8
Henricus ^a Keyspenny	4		5 'Henricus Keyspenny' 22/8
<i>Court Bode valoris 100s</i>		1	6 'Court Bode' 22/8
<i>Otte Scowlte valoris 20s</i>		2	7 'Otte Scowlte' 22/8
Johannes ^a Felebrigg	5		8 'Hans Felebrigg' 22/8
<i>Yonge Johan valoris £10</i>		3	10 'Yonge Johan' 22/8
Ricardus Scaght	6		11 'Deryk Scaght' 22/8
<i>Hans Donway valoris £40</i>		4	12 'Hans Donway' 22/8
Court ^a Knopp	7		13 'Court Knope' 22/8
Henricus Gysepenny ^a	8		14 'Henricus Gysepenny' 22/8
<i>Hans Fowler valoris £28</i>		5	15 'Hans Fowler' 22/8

²⁴ On the certification for the Hull customers dated 9 July 1463 Lloyd writes "that the certificate, as well as the schedule, was copied from customs documents", and in regard of the certifications for the Lynn customers dated 22 and 23 Nov. 1465 "that the certificate was copied from the particular": Lloyd (1991) 379.

Table 1 (*cont.*)

Name	Number in		
	Certification	Schedule	Customs account
Martinus ^a Howenoygh	9		16 'Martinus Howenoygh' 22/8
Jacobus ^a Plubb	10		17 'Jacobus Plubb' 22/8
Andreas ^a Herder	11		18 'Andreas Harder' 22/8
<i>Berne Sporech valoris</i> £6 13s 4d		6	19 'Beerne Spore' 22/8
<i>Garard Hanson valoris</i> 40s		7	20 'Gerrard Hanson' 22/8
<i>Adrian Mertyn valoris</i> 20s		8	21 'Adrian Martyn' 22/8
Hermannus ^a Gleman	12		22 'Harman Gleman' 22/8
<i>Bertholomeus Bowme</i> <i>valoris 20s</i>		9	23 'Bartholomeus Bowme' 22/8
Johannes Wynryk ^a	13		24 'Hans Wynrik' 24/8
<i>Thomas Williamson</i> <i>valoris £35</i>		10	25 'Thomas Williamson' 24/8
Bartholomeus ^a Wry	14		26 'Bertholomeus Wry' 24/8
Bartholomeus ^a Wolff	15		27 'Bertholomeus Wollffe' 24/8
Henricus van ^a Ose	16		28 'Henricus van Ose' 24/8
<i>Hans Dortholt valoris</i> £15		11	29 'Hans Bortholt' 24/8
Henricus Scottowe ^a	17		30 'Henricus Scottowe' 24/8
Simon ^a Sawle	18		31 'Simonis Sawle' 24/8
<i>Walterus van Grove</i> <i>valoris 26s 8d</i>		12	32 'Walterus van Grene' 24/8
<i>Paulus Wyllyng valoris</i> 66s 8d		13	33 'Paulus Wyllyng' 24/8
<i>Martinus Milhand</i> <i>valoris 40s</i>		14	34 'Martinus Milhand' 24/8
<i>Hans Dyk valoris 20s</i>		15	35 'Hans Dyke' 24/8
<i>Jacobus Wyscove</i> <i>valoris 33s 4d</i>		16	36 'Jacobus Wyscove' 24/8
<i>Martinus Bole valoris</i> 33s 4d		17	38 'Martinus Bole' 24/8
<i>Hans Crosse valoris £8</i>		18	39 'Hans Crosse' 24/8
Johannes ^a Bisshopp	19		40 'Hans Byshope' 24/8
Jacobus ^a Prote	20		41 'Jacobus Prote' 24/8
<i>Martinus Hove valoris</i> 26s 8d		19	42 'Martinus Hone' 24/8
Ambrosius ^a Stele	21		2 'Ambrosius Stele' 22/8

^a A dot • was entered over the name in the certification and a dot • margined against the name in the particulars of account L.

A comparison of the Steelyard's certifications with the customers' particulars of account shows that a dot was inserted over the names of all merchants in the certification and a corresponding dot entered in the margin of the particulars each and every time that merchant's name appeared there. This is incontrovertable evidence that the Exchequer had checked the certification against the particulars, that is to say that the auditor of the account had convinced himself by inspecting the London *Kontor*'s certification of 9 July 1463 that every merchant who had claimed to be a Hansard vis-à-vis the Hull customers was in fact identical with a person the Steelyard had certified as being Hanseatic. This was not an entirely straightforward task, since there are variants in the spelling of the names. If one assumes with Lloyd that the names in the Steelyard's certification were copied from the customers' particulars of account, it would have been simplest for everybody—especially for the Exchequer's auditor of accounts—if the London *Kontor* had written the names of the Hansards trading with Hull in exactly the same way as they appeared in the particulars of account. However, the spelling diverges significantly in 10 of the 21 names in the certification and in 10 of the 19 names in the schedule.²⁵ In particular, the Steelyard's certification consistently used the Christian name 'Johannes' in all cases (no. 2, 5, 13, 19) in which the Hull customers recorded the Christian name of the merchant in question as 'Hans'. While one might explain this discrepancy as being the result of the Steelyard's clerk's supererogatory conscienciousness, there are two further divergences for which it is more difficult to account. First, the customs account records imports of the Hanseatic merchant Deryk Scaght on 22 August, whereas the Steelyard certification calls him 'Ricardus Scaght' (no. 6). If we assume with Lloyd that the London *Kontor* produced its certification upon inspection of the particulars of account and copied the names from that source, then this discrepancy is very difficult to explain. In fact, the Steelyard's clerk must have based his *certificatio* on a source in which the preposition 'De' (which the customers universally employed to begin an entry for a merchant) was lacking,²⁶ so that he understood 'Deric Scaght' to mean 'De Ric[ardo] Scaght'. Second, one and the same merchant appears twice in the Steelyard's certification, once as 'Henricus

²⁵ Rainaldus/Ranaldus Kirkholde (1), Court Knopp/Knope (7), Andreas Herder/Harder (11), Hermannus/Harman Gleman (12), Bartholomeus/Bertholomeus Wry and Wolff/Wollfe (14 and 15).

²⁶ The entry in the customs account (E122/62/4 m 1) begins: *De Deryk Scaght Hans' pro 4 lastis bituminis...*

Keyspenny' (no. 4) and again as 'Henricus Gysepenny' (no. 8). If one considers that the London *Kontor's* lists of Hanseatic merchants²⁷ were alphabetized by Christian names, then it is astonishing that the Steelyard's clerk did not recognize that 'Henricus Keyspenny' was identical with 'Henricus Gysepenny', even if this variation corresponds to the spelling of the merchant's name in the particulars of account.

The Hull case is not unique. If we compare all the surviving Steelyard certifications for which a legible customs account has survived,²⁸ we will quickly conclude that significant discrepancies were the rule rather than the exception (Table 3). They fall into one of five categories:

1. The names are identical in spelling, but appear in a different order in the customs account and in the Steelyard's certification
2. Discrepancies appear in the spelling of names, but these can be phonetically explained
3. The customs account contains names of Hansards which do not appear in the Steelyard's certification
4. The Steelyard's certification contains names of Hansards which do not appear in the customs account
5. One and the same Hanseatic merchant's name is certified twice in a Steelyard certification

Table 3 Discrepancies between Steelyard Certifications and Customs Accounts ('No.' Refers to the Number of the Certification in Table 1)

No.	Date	District	Accounting period	Particulars
<i>A: Discrepancies in the order of the names</i>				
4	22/11/1464	Boston	20/7/1463–3/5/1464	E122/10/4
14	19/2/1466	Hull	18/3–29/9/1465	E122/62/7
15	1/5/1466	Ipswich	29/9/1465–19/3/1466	E122/52/48
17–21	26/5–13/11/1466	Lynn	19/3–2/11/1466	E122/97/7

²⁷ One such list has survived: Historisches Archiv der Stadt Köln, Hanse III.K.15, Bl. 93–94.

²⁸ The following accounts have not been consulted in this regard, because they are too fragmentary: TNA: PRO, E122/52/47 (Ipswich customs account for the period 22 Dec. 1464 to 29 Sept. 1465: certification no. 12), TNA: PRO, E122/128/13A (Sandwich controlment roll for the period 6 Aug. 1472 to 29. Sept. 1473: certification no. 67), TNA: PRO, E122/52/53 (Ipswich customs account for the period 29 Sept. to 29 Dec. 1472: certification no. 68), TNA: PRO, E122/73/34 (London petty customs account for the period 4 Aug. 1472 to 29. Sept. 1473) and TNA: PRO, E122/194/20 (London petty customs controlment roll for the period 19 Sept. 1472 to 29 Sept. 1473: certification no. 65–66).

Table 3 (*cont.*)

No.	Date	District	Accounting period	Particulars
25	29/7/1467	Hull	29/9/1466–29/9/1467	E122/62/9
34	31/12/1467	Boston	25/3/1467–6/3/1468	E122/10/8
35	3/2/1468	Sandwich	28/8/1467–3/2/1468	E122/128/9
44–45	6/5–6/8/1468	Lynn	2/11/1467–2/11/1468	E122/97/9
61–62	4/8/1472	London PC	29/9/1471–4/8/1472	E122/194/19

B: Discrepancies phonetically explicable

4	22/11/1464	Boston	20/7/1463–3/5/1464	E122/10/4
7–8	8/4–8/11/1465	Yarmouth	29/9/1464–29/9/1465	E122/152/5
13	16/11/1465	Boston	25/2–29/9/1465	E122/10/5
14	19/2/1466	Hull	18/3–29/9/1465	E122/62/7
15	1/5/1466	Ipswich	29/9/1465–19/3/1466	E122/52/48
25	29/7/1467	Hull	29/9/1466–29/9/1467	E122/62/9
17–21	26/5–13/11/1466	Lynn	19/3–2/11/1466	E122/97/7
34	31/12/1467	Boston	25/3/1467–6/3/1468	E122/10/8
35	3/2/1468	Sandwich	28/8/1467–3/2/1468	E122/128/9
44–45	6/5–6/8/1468	Lynn	2/11/1467–2/11/1468	E122/97/9
51	1/10/1468	Sandwich	29/9/1468–6/9/1469	E122/128/10
61–62	4/8/1472	London PC	29/9/1471–4/8/1472	E122/194/19

C: The customs account contains names of Hansards lacking in the Steelyard's certification

9	16/11/1464	Hull	29/9/1464–16/11/1464	E122/62/5
14	19/2/1466	Hull	18/3–29/9/1465	E122/62/7
17–21	26/5–13/11/1466	Lynn	19/3–2/11/1466	E122/97/7
25	29/7/1467	Hull	29/9/1466–29/9/1467	E122/62/9
34	31/12/1467	Boston	25/3/1467–6/3/1468	E122/10/8
35	3/2/1468	Sandwich	28/8/1467–3/2/1468	E122/128/9
49	24/5/1468	Boston	6/3–25/12/1468	E122/10/9
50	2/1/1469	Hull	29/9/1468–29/9/1469	E122/62/11
51	1/10/1468	Sandwich	29/9/1468–6/9/1469	E122/128/10
61–62	4/8/1472	London PC	29/9/1471–4/8/1472	E122/194/19
71	21/1/1474	Sandwich	29/9/1473–17/11/1474	E122/128/14

D: The Steelyard's certification contains names of Hansards lacking in the customs account

7–8	8/4–8/11/1465	Yarmouth	29/9/1464–29/9/1465	E122/152/5
17–21	26/5–13/11/1466	Lynn	19/3–2/11/1466	E122/97/7
25	29/7/1467	Hull	29/9/1466–29/9/1467	E122/62/9

Table 3 (*cont.*)

No.	Date	District	Accounting period	Particulars
<i>E: Hansards certified twice in the Steelyard's certification</i>				
44–45	6/5–6/8/1468	Lynn	2/11/1467–2/11/1468	E122/97/9
71	21/1/1474	Sandwich	29/9/1473–17/11/1474	E122/128/14

In short, not one Steelyard certification reproduces the names of Hanseatic merchants as contained in the customers' particulars of account (a) completely and (b) in exactly the same spelling and order. Lloyd's view that the Steelyard's *certificationes* were produced on the basis of an inspection of the particulars of account and that the names were copied directly from that source simply cannot stand.

However, if the customers' particulars of account were not the proximate source of the names certified by the London *Kontor*, what was? The answer lies in a letter written by the Steelyard to Lübeck on 28 November 1465:²⁹

You should know that within the last year the king of England ordered his barons, customers and other officials of his kingdom not to allow anyone to claim the privileges and liberties of the Hanse in England if we have not issued a certificate under our seal, certifying that he is a member of our Guildhall and society. Since many Hanseatic merchants, skippers and sailors come to England with their merchandise, of whom we cannot be cognizant, we are

²⁹ HR II 5 no. 736, p. 525–6. The Low German text is as follows: *Ju gheleve to wetende, dat de here konynck van Engelant in dessen vorledenen jare synen barons, tolners und anderen synes rykes amptluden bevollen und ghebaden hevet, dat se neymande op des copmans privilegie und vryheyde in dem rüke van Englelant untfangen und tolaten sullen, he en hebbe eyne certificat under unsen segele, dar wy inne bethughen, dat he van unser Gilthalle und selschop sy. Syntdemmale dan, dat ute den steden van der hense mannyghe coplude, schepphere und scheppkyndere met eren ghuderen hir in Engelant komen, der wii nicht all en kennen, so ist uns varlick, erbaren heren, alle sodane lude under unsen segele dem heren konynge to certificerene, wy en hedden dan van en under segelen und breven gude bekentnisse, want wy daromme in vare der privilegie und vryheit des gemeynen copmans komen mochten, wan dat anders dan rechtverdich ghevonden worde, dat Got verbeyde. Warumme, erbaren heren, syn wy van ju vrontliken begherende und bidden, dat juwe vorsenighe wysheyte ernstliken juwer stede copluden, scheppheren und scheppkynderen bevellen und ghebeyden welle, so wanner dat se in Engelant komen, dat se dan ere ghudere op twe, drie off veer ghenomder coplude off scheppheren namen vertollen laten, so dat eyne itlick van den scheppkynderen synen namen byck eyne copman in des heren konynghes boke nicht scriven en late, umme mannychvoldicheyt willen der namen to verhodende, want wy daromme to vellen tyden in last gekomen syn und noch vorder komen mochten, dar God vor sy. Ock dat eyne itlick schepphere na utwysinghe der recessen enen breff met sick brenghe, darinne wy kennen moghen, wat coplude, ghudere und volck he innehebbe, dar wy uns dan in deme dele na wetten moghen tho richtende.*

unable to certify the names of all these people to the king under our seal unless we ourselves be sent certifications [from the Hanseatic towns], since otherwise the privileges and liberties of the Hanse would be endangered if someone slipped through, God forbid. Therefore, we ask you graciously to order the merchants, skippers and sailors of the Hanseatic towns, whenever they come to England, to custom their goods in the names of two, three or four known merchants or skippers, so that not every sailor have his name recorded in the lord king's book like a merchant, thus avoiding a multiplication of names, which has been a burden to us in the past and is likely to be in the future, which God forbid. Also, each skipper—in accordance with the [Hanseatic Diet's] resolution—should send us a schedule listing the merchants, goods and crew in his ship, so that we know who is who.

This letter resolves all the problems surrounding the 'Gildhall certificates'. Although Edward IV's order cannot be traced, there is no question as to what the London *Kontor* meant by 'the lord king's book' (*des heren konynghes boke*). On 10 May 1465, Edward IV had directed the Exchequer *that at every porte within our reaume of England...yerly shall be sent out of our seid eschequier to such custumers and collectours a book ensealed under the seal of the seid eschequier...such as shall seme to you sufficient and necessarie for thentre of the names of the shippes and othir vesselx wyth the names of the maistres, patrons, scryveyns and pursers of the same and the dayes of commyng in or goyng oute of such shippes or vesselx and also of the names of marchauntes and of their marchandises commyng and goyng out wythin such porte thorowe the yere*.³⁰ In other words, independant of the

³⁰ See Appendix III for the full text of the mandate. It was clearly meant to supplant an earlier order by Henry VI (Appendix II) issued on 16 Nov. 1428 to which it is similar in almost all respects. Both kings ordered the Exchequer to issue books to the customers sealed with the Exchequer's seal and with folios numbered. In both instances, the merchants were required to enter the particulars of imports and exports prior to shipping, the customers being held responsible—on pain of damages—for making the book available to them at reasonable times. In both cases the customers were forbidden to make any erasures in the book and the merchants to lade or unlade merchandise by night. Finally, the customers were ordered to issue *billettes* for inspection by the searcher, no ships being cleared to sail before having been searched for contraband. The only difference between the two royal mandates is the wealth of information Edward IV required the merchants to record, namely the names of a ship's owners, scribes and pursars, which were never recorded in the customers' particulars of account. This difference persuades me that Edward IV's order represented a departure from previous practice. There is, however, another argument to be made. Henry VI's mandate to the Exchequer led to an instant and pervasive change in the form the customs accounts took. Prior to the issuance of books by the Exchequer in the spring of 1429, the customers' particulars normally took the form of *rotuli* bound at the head. Thereafter books predominated: of the 115 tunnage and poundage and wool subsidy accounts from 1429 onwards recorded in TNA: PRO, E356/16, only 20 were not in book form. 45 of these enrolled accounts indicate that the *liber* in question

customs accounts, the customers were to record the names of the ships, shippers, scribes and pursars, the dates of entry and exit from England and finally the names of all merchants with the particulars of their imports and exports in *des heren konynges boke*. The Steelyard had to be doubly on guard lest the names of the sailors who traded on a very modest scale over and above their freeboard be entered either in the particulars of customs accounts or in 'the lord king's book' (*des heren konynges boke*), since this second record could be inspected for control purposes.

Moreover, the skippers were to inform the London *Kontor* as to which merchants and sailors on board their individual ships were trading with which goods, as indeed the Hanseatic Diet had ordered. Indeed, we can be sure that the Hanseatic *Kontore* were cognizant of the Diet's resolutions.³¹ In fact, Johan Klingenberg, Vicko vomme Have and Heinrich Vorrat, acting as the Diet's representatives in negotiations with the English crown in 1437, had agreed with the Steelyard on just such a measure:

Item it is ordained that all shippers and merchants of the Hanse—in whatever harbour or city they come to [in England], trade with their goods and pay the king's customs—shall draw up a register for each ship and the goods on board, entering how much they paid for customs when entering and

bore the Exchequer's seal, and occasionally the enrolled account will mention that such a book had been sent to the customers, e.g. the Plymouth/Fowey wool subsidy and tunnage and poundage account for 29 Sept. 1429 to 29 Sept. 1430 (TNA: PRO, E356/16 m 17d) which was contained in the *liber ipsorum collectorum sub sigillo hujus scaccarii eis inde directus*. Some of these *libri* have survived with their original covers, and they indeed note the number of folios, e.g. TNA: PRO E122/73/25, on whose outside back cover *Continet 40 [folia]* has been entered. There is also a hole visible in the lower left-hand corner of the front cover, undoubtedly for the cord to which the Exchequer seal was attached. Indeed, in some instances, the cord (if not the seal) has survived. In sum, there can be no reasonable doubt that the customers were using the books sent out by the Exchequer to write out the clear copy of their particulars. However, from the 1430's, the system began to fall into desuetude. Of the 269 accounts recorded from the mid-1430's to around 1450 (TNA: PRO, E356/19), 103 (38.3%) were in *rotulus* form, and of the 265 accounts from 1450 to 1461 (TNA: PRO, E356/20), 135 (50.9%) were in *rotulus* form. Generally speaking, only the accounts from the Southampton, Bristol, Sandwich and London wool customers retained book form. However, in contrast to Henry VI's mandate, Edward IV's order of 10 May 1465 did not have any effect at all on the form of the customers' particulars. Of 162 accounts dating from the beginning of Edward IV's reign to the accounting period immediately preceeding the issuing of the order, 64 were in book (39.5%) and 98 in *rotulus* form (TNA: PRO E356/21). Of the subsequent 165 accounts (roughly 1465 to 1470), 65 were in book (39.4%) and the rest in *rotulus* form. The conclusion seems inescapable that the *libri* Edward IV required Exchequer to send out to the customers were intended for a different purpose.

³¹ The Hanseatic *Kontore* owned manuscripts containing copies of the Diet's resolutions which were continuously updated: Thierfelder (1969).

leaving England, broken down by the names of those paying and indicating the amount each paid, and they shall—at their own expense—send a messenger with the register—sealed by the skipper and one of the merchants—to the London *Kontor*, and this messenger shall bring the scot due on all Hanseatic goods. Only the sailors' freeboard is exempt, but any merchandise they have in excess of that [freeboard] is liable to pay scot and the expenses [of sending the register to London] like [that of] any other merchant.³²

It was the skipper's responsibility to draw up the register, find a merchant to vouch for its accuracy with his seal and send it into the London *Kontor*. The information in these skippers' registers served initially as the basis for the payment of scot,³³ but was pressed into service from 1464 onwards in order to produce the Steelyard certifications.

The fact that it was the skippers who sent the names of those Hanseatic merchants trading with England (together with other information) to the London *Kontor* explains the *phonetic* discrepancies in the spelling of the Hansards' names (Table 3, B). After all, the Steelyard's clerk had to sort the skippers' registers by customs districts, eliminate any double entries and produce a certification for each set of customers. It was a daunting task, and mistakes were unavoidable, as the *certificatio* for the Hull customers dated 9 July 1463 shows. Here, the clerk did not realize that the Hanseatic merchant Heinrich Keysepenny (whose name skipper Rainald Kyrkholde, captain of the *Marie de Dansk*, had included in his register) was identical with Heinrich Gysepenny (whose name skipper Yong Johan, captain of the *Marieknuyght de Dansk*, had included in his register). The same

³² HR II 2 no. 82 § 7, p. 83: *Item is gheorderet, dat alle schipheren unde coplude in de hanze behorende in wat havenen oft steden see komen bynnen dem rike [of England], dar se eren market doen unde des koninges costume betalen, sullen van elkem schepe unde guderen darinne en register screven, wu vele se to custume zowol int land also ut deme lande hebben ghegheven unde darmede elkes mannes namen unde wat illik heft ghegeven, unde sullen up erer aller kost enen man senden myt dem register to deme copmanne to Londen vorseghelt mit des schipheren unde en van den copluden zegel, unde mit demsulven baden sullen se senden des copmans schot van allen guderen in de henze behorende. Dar sal nicht van vry ziin sunder allen der kinder voeringhe; wat ze darbaven hebben van copenschop, sullen se des copmans schot unde de kosten gelik mede betalen also andere coplude.* See Lappenberg (1851), Abt. II: Urkunden, LVII, § 5, pp. 122–3, who printed this regulation on the basis of the London *Kontor*'s book of by-laws.

³³ Scot (Schoß)—a charge on all Hanseatic imports, exports and letters of exchange at *rd/£ ad valorem*—was used to cover the Steelyard's costs.

reason suffices to explain why the Cologne merchant Johannes Harderode was named twice in the certification (no. 71) the London *Kontor* issued for the Sandwich customers on 21 January 1474: on the one hand, the imports of 'Hans Harderode' via Sandwich on 24 October 1473 were registered and on the other the imports of 'Johannes Harderode' via Dover on 29 October 1473. All other double entries of Hanseatic merchants (Table 3, E) can be explained in the same way.

The discrepancies in the order of the names (Table 3, A) can also be explained. The customs accounts were drawn up on the basis of the ships' manifests³⁴ and of the sworn statements of the merchants to the customers, whereas the Steelyard's *certificationes* were produced from the skippers' registers. In order to show how discrepancies could arise, I have compared the order of appearance of Hanseatic merchants in the Steelyard's certification issued on 4 August 1472 (no. 61) with their order of appearance in the surviving London Petty Customs account for the period 29 September 1471 to 4 August 1472, numbering each appearance of a merchant in the customs account separately (Table 4: 'No. in customs account'). The table shows that the Steelyard's certification maintains the order of the names in the customs, but that in some cases it was not the register of the first skipper transporting a given merchant's goods which the *Kontor* used in producing a given certification, but the second or third. Consequently, the information available to the Steelyard's clerk was not identical to what the customers knew. Nonetheless, if one follows the bold-type numbers in the far right-hand column, it becomes clear that there are no discrepancies: it is only that some ships (John Brown sailing on 24 November, Johannes de Mayer sailing on 4 December, Cornelius Johnsson sailing on 6 February) have dropped out of the picture. The fact that the Steelyard's clerk did not record the name of Johannes Fernam (certification no. 20, customs account no. 75 and 89) between Hynricus Ruteco (no. 16) and Lambartus Gruter (no. 17) is unquestionably the consequence of an erroneous elimination of a double entry.

³⁴ On this see Jenks (1992a) 16–7.

Table 4 Discrepancies in the Order of Names: The London Petty Customs Account (29 September 1471–4 August 1472)³⁵

<i>Name</i>	<i>No. in certification</i>	<i>No. in customs account</i>
Tyce Cremer	1	1 Export on 4/11 in the ship of Heinrich Henryksson
Johannes van Hulle	2	2 Export on 4/11 in the ship of Heinrich Henryksson
Hans Langerman	3	3 Export on 4/11 in the ship of Heinrich Henryksson
Martinus in den Haf	4	4 Export on 4/11 in the ship of Heinrich Henryksson
Johannes vam Dorne	5	5 Export on 14/11 in the ship of Luke Hunteman
Everardus Clippyng	6	6 Export on 14/11 in the ship of Luke Hunteman
Johannes Sevenok	7	10 Export on 24/11 in the ship of John Browne 19 Export on 4/12 in the ship of William Parker
Johannes Hardmayd	8	21 Export on 4/12 in the ship of William Parker
Andreas Hucker	9	22 Export on 4/12 in the ship of William Parker
Petrus Cannengeger	10	9 Export on 24/11 in the ship of John Browne 23 Export on 4/12 in the ship of William Parker
Hermannus Pynk [Ryng]	11	12 Export on 24/11 in the ship of John Browne 24 Export on 4/12 in the ship of William Parker
Goswynus Schyule	12	13 Export on 24/11 in the ship of John Browne 25 Export on 4/12 in the ship of William Parker
Johannes Hupe	13	26 Export on 4/12 in the ship of William Parker
Andreas Slotkyn	14	44 Export on 19/3 in the ship of Johannes Sotard

³⁵ Source: Steelyard's certification: TNA: PRO, E368/245 Visus et status compotorum Michaelis m 7; Customs account: TNA: PRO, E122/194/19. Why the Steelyard issued two identical certifications on the same day is difficult to explain. It is conceivable that one customer dealt with imports and the other with exports, thus necessitating the issuance of a certification for each of the two customers.

Table 4 (*cont.*)

<i>Name</i>	<i>No. in certification</i>	<i>No. in customs account</i>
Johannes Bercham	15	17 Export on 4/12 in the ship of Johannes de Mayer 39 Export on 6/2 in the ship of Cornelius Johnsson 45 Export on 19/3 in the ship of Johannes Sotard
Hynricus Ruteco	16	51 Export on 19/3 in the ship of Dionisius Mathewysson
Lambartus Gruter	17	76 Export on 4/5 in the ship of William Legge
Petrus Bodenclop	18	85 Export on 4/5 in the ship of William Legge
Johannes Scommel	19	86 Export on 4/5 in the ship of William Legge
Johannes Fernam	20	75 Export on 4/5 in the ship of William Legge 89 Export on 4/5 in the ship of William Legge 93 Export on 4/5 in the ship of William Parker
Johannes Clyppyng	21	114 Export on 4/5 in the ship of Marke Symondson

However, there is another problem to be solved. Some customs accounts contain the names of merchants designated as Hansards who are not named in the Steelyard's certification (Table 3, C). This discrepancy most probably resulted from the fact that some skippers simply did not submit the required register to the London *Kontor*. This should not come as a surprise, since non-Hanseatic skippers had no particular reason to assist the Steelyard in collecting scot from Hanseatic merchants trading with England. This was doubtless the case with skipper Peter Claysson from Veere in Zeeland who failed to notify the London *Kontor* that Hermann Swert had imported goods into Boston on 22 March and on 30 June 1467.³⁶ If we read between the lines of the Hanseatic ordinance, the interpretation seems permissible that whenever Hanseatic merchants shipped goods in non-Hanseatic bottoms, it was up to the Hansard himself to notify the

³⁶ TNA: PRO E122/10/8 f. 13^v and 14^{rv}.

Steelyard and provide details of his merchandise.³⁷ Swart would seem to have neglected this, doubtless because in both cases he was the only Hanseatic merchant on board, so that the risk of discovery was minimal. However, not every instance in which the Steelyard was not notified of Hansards' trade with England can be explained by the fact that the skipper was non-Hanseatic. Edward Wawen, for instance, a Hanseatic skipper who imported goods via Sandwich on 17 October 1467, did not notify the Steelyard of this fact. Similarly, the Hanseatic merchant Hans Kacston—who had also customed imports in Sandwich on the same day which he had transported in Wawen's ship—equally escaped mention. Both names are lacking in the Steelyard's certification for the Sandwich customers.³⁸ There is no obvious explanation for this.

Finally, the Steelyard certified the names of some Hansards whose names do not appear in the particulars of customs account (Table 3, D). It would appear that the skipper and the other Hansards on board had heeded the Steelyard's request to limit the number of names under which goods were customed—in order to avoid a multitude of names—but had neglected to communicate this fact to the London *Kontor* when submitting their register.

Thus, we can solve all the onomatological problems surrounding the Steelyard certifications. However, it remains difficult to explain why the Steelyard was able to certify the names of Hansards trading with a particular customs district before they had even arrived in port, much less commenced trading. This does not, however, prove that the Steelyard deliberately antedated its certifications. One must remember that the dates the customs accounts record for the entry and exit of ships relate solely to the date on which the cocket was issued. This could differ quite a good deal from the date on which a ship in fact weighed anchor. The Southampton

³⁷ In one case, the Steelyard's certification demonstrates that this interpretation is correct. The certification of 22 Apr. 1468 (TNA: PRO, E368/241 Visus et status compotorum Michaelis m 4d) certifying to the Yarmouth customers that Johann Strubbe was a Hanseatic merchant departs from the usual wording (my emphasis): *Universis et singulis presencia visuris seu legi audituris nos aldermannus et omnes mercatores Hanse Theutonice London' in regno Anglie residentes post debite reverencie et salutacionis, prout [unius]cujusque status requirit, exhibicionem tenore presencium certificamus, quod Johannes Strubbe o s t e n s o r p r e s e n c i u m est de nostra jurisdictione et Hansa Theutonica. In testimonium veritatis sigillum secretum nostrum presentibus ad marginem inferius [fecimus] apponi anno Domini millesimo quadringentesimo sexagesimo octavo, vicesimo secundo die mensis Aprilis.* We can safely conclude that Strubbe obtained his own *certificatio* in London and personally brought it to the customers in Yarmouth.

³⁸ Certification no. 35. Controlment roll for Sandwich (28 Aug. 1467–3 Feb. 1468): TNA: PRO, E122/128/9.

customers, for instance, required ten days (17–27 September 1426) in order to issue the cockets for the goods on John Bigbroke's ship (Appendix I B), and Hanseatic merchants complained bitterly about the dilatory tactics of the customers following the Treaty of London (22 March 1437), alleging—not without reason—that these delays were intended to give English merchants the first crack at the Prussian market, which the treaty had only just opened up for trade.³⁹ In many instances, it seems permissible to assume that the curiously short space of time between the issuance of a cocket by the customers and of a certification by the Steelyard can be explained as being the result of a delay in customing Hanseatic merchandise. While apparent 'pre-datings' of minor importance⁴⁰ do not necessitate the assumption that the customers were favoring native merchants to the detriment of their Hanseatic competitors, there are four cases in which the Steelyard issued its *certificatio* long before the customers issued the first cocket to any Hanseatic merchant. Here, the background of the customers and the controllers does seem to point to a policy of delaying the issuance of a cocket to Hanseatic merchants as long as possible, in order to give their native competitors a commercial advantage (see Table 5).

Table 5 'Antedating' or Victimization? The Customs Administration, Steelyard Certifications and Dates of Cockets

No.	District	Certification	Import	Difference (days)	Customs Administration
2	Hull	9/7/1463	22/8/1463	44	John Feriby (Hull) John Grene (Hull) Controller: Thomas Blount (not localizable)
50	Hull	2/1/1469	26/7/1469	205	John Dey (Hull) John Birde (royal official) Controller: William Stavelay (royal official)
51	Sandwich	1/10/1468	21/12/1468	81	Richard Hawte (Kent) John Adam (Southampton) Controller: John Batte (London)
71	Sandwich	21/1/1474	5/5/1474	104	Thomas Stokton (London) John Batte (London) Controller: John Rotherham (London)

³⁹ See Jenks (1992a) 619–21.

⁴⁰ 1) Lynn: certification no. 19 dated 23 Aug. 1466; Imports on 28 Aug. 1466. 2) Boston: certification no. 34 dated 31 Dec. 1467; Imports on 4 Jan. 1468. 3) Lynn: certification no. 44 dated 6 May 1468; Imports on 5 to 10 May 1468; 4) Lynn: certification no. 45 dated 6 Aug. 1468; Imports on 11 to 19 Aug. 1468.

When one considers the bitter competition between Hull merchants trading with Prussia and Prussian merchants trading overwhelmingly with Hull and Lynn,⁴¹ then the delays in issuing cockets in Hull make sense. Since, moreover, Dover (in the Sandwich customs district) functioned as an outport of London, whose merchants were in competition with London-based Hansards from Cologne, the delays in the issuing of cockets by the Sandwich customs administration—note the number of customers and controllers from the capital—become understandable. In sum, I am not convinced that the Steelyard antedated its certifications.

The entire system of Steelyard certifications arose because Edward IV ordered that no one could claim the protection of the Hanse's privileges without certification from the Steelyard. While this mandate has not survived, the London *Kontor's* letter of 28 November 1465 allows us to narrow down its probable date. The letter states that Edward IV's order directed to the Exchequer, the customers and other royal officials was issued 'within the past year' (*dessen vorledenen jare*). A glance at Table 1 will suffice to demonstrate that the London *Kontor* issued only one certification in 1463 (no. 2). The next Steelyard certifications all date from the Michaelmas quarter of the following year.⁴² That exactly matches the London *Kontor's* statement that the government's insistence on certifications was an innovation of the past year, but it fails to explain why the Steelyard issued its certification to the Hull customers (Nr. 2) well before Edward IV's order. Just how did the London *Kontor* come to certify the names of various Hanseatic merchants to the Hull customers on 9 July 1463?

The English government was not in the habit of introducing innovations out of the blue, and Edward IV's order to the Exchequer in the autumn of 1464 was no exception. It had a pre-history, one which can be reconstructed on the basis of the Exchequer's own records and which explains why the innovation was thought necessary. In the autumn of 1463 the Exchequer was confronted with two cases in which the customers—referring specifically to the extension of the Hanse's privileges from 25 December 1462 to 24 June 1465⁴³—had requested exoneration for poundage with which the auditor had charged them for Hanseatic imports and exports.

⁴¹ On this see Jenks (1998), citing earlier literature.

⁴² The certifications dated from 24 November 1464 (no. 1), 16 October 1464 (no. 3), 22 November 1464 (no. 4) and 16 November 1464 (no. 9).

⁴³ HR II 5 no. 284, pp. 197–8; HUB 8, no. 1234.

In the first case, the account of the Southampton customers John Lambart and Thomas Gay for the period from 29 September 1462 to 16 July 1463,⁴⁴ the auditor had charged the customers with £12 10s poundage for £250 worth of goods imported by Andreas Hankerre, Matheus van den Crest and Gerard Fox after 25 December 1462, i.e. after the extension of the Hanse's privileges had taken effect. In their petition for exoneration, the customers referred to Edward IV's patent, the corresponding privy seal writ dated 9 March 1463 which the chancery had sent to them and to the fact that 'the said Andrew, Mathew and Gerard are merchants of Almaine, belonging to those merchants who have a house in the said city [of London] commonly called the Guildhall of the Germans, as the said former customers declared under oath'.⁴⁵ The Exchequer was sceptical,⁴⁶ which in view of the rarity of Hanseatic merchants' visits to Southampton was understandable. Since there is no evidence that there was ever a formally constituted Hanseatic *Kontor* in Southampton, no one could vouch for the merchants in question. Consequently, the Exchequer was loathe to come to a final decision on the Southampton customers' petition for exoneration before it had determined the facts of the case. Therefore, the Exchequer sent a *certiorari* writ to the Steelyard on 6 February 1464, asking the *Kontor* to 'inspect its rolls and other documents containing the names of the merchants of the Hanse and to inform the barons in Westminster on the following 11 February, bringing the present writ with them'.⁴⁷ On that day, the Steelyard's representatives—Peter Cangeret, Johannes Manders, Christian Questenberg, Johannes Fernam, Johannes Berkham and Heinrich Culle—certified the Exchequer on the reverse of the writ

⁴⁴ The customers accounted in Michaelmas term of 1463 (TNA: PRO, E159/240 Recorda Michaelis m 2d) and the Exchequer's deliberations were recorded in the Lord Treasurer's Remembrancer's memoranda roll: TNA: PRO, E368/236 Visus et status compotorum Michaelis m 3d.

⁴⁵ *quod prefati Andreas, Matheus et Gerardus sunt mercatores de Almania, scilicet de illis mercatoribus, qui habent domum in civitate predicta, que guyldehalla Theutonicorum vulgariter nuncupatur, prout dicti nuper collectores dicunt super sacramentum suum.*

⁴⁶ TNA: PRO, E368/236 Visus et status compotorum Michaelis m 3d: *Et quia videtur baronibus non fore procedendum ad iudicium in premissis reddendum, antequam iidem barones cerciorentur, utrum predicti Andreas Hanker, Matheus van dan Crest et Gerardus Fox sint a festo sancti Michaelis anno regni dicti domini regis nunc secundo [29 Sept. 1462] usque 16^{to} diem Julii tunc proxime sequentem [16 July 1463] fuerint mercatores de Almania vocati Hans' necne.*

⁴⁷ *quod—scrutatis rotulis et evidenciis suis de nominibus mercatorum de societate sua—ipso barones in premissis ad dictum scaccarium apud Westmonasterium die sabbati accidente 11^o die Februarii tunc proxime futuro [11 Feb. 1464] redderent cerciores, deferendo tunc ibidem secum breve predictum.*

that the merchants in question were, in fact, Hanseatic and had been members of the Guildhall during the period for which the Southampton customers were accounting.⁴⁸ With that, the Exchequer approved the customers' petition and exonerated them for the £12 10s which the auditor had charged them.

Around the same time, the Boston customers William Pikeryng and Richard Perpoynthe, accounting for the period from 29 September 1462 to 20 July 1463,⁴⁹ petitioned the Exchequer for exoneration in regard to £68 18s 2d of poundage. The auditor had charged them this amount on imports worth £1378 2s which the Hanseatic merchants Nikolaus van Haughton, Henning Gruter, Thomas Browne and Hermann Swart had effected through van Haughton and Browne on 24 March 1463. Just as the Southampton customers had done, Pikeryng and Perpoynthe referred the Exchequer to Edward IV's patent of 9 March 1463, to his corresponding mandate directed to the Exchequer on 28 April 1463,⁵⁰ to the privy seal writ of 9 March 1463 embodying the patent of that date which the chancery had sent them and finally to the fact 'that the said Nicholas de Haughton, Hennyng Gruter, Thomas Broune and Hermann Swarte are merchants of Almain, belonging to those merchants who have a house in the said city [of London] commonly called the Guildhall of the Germans, as the said former customers declared under oath'.⁵¹ As in the case of the Southampton customers, the Exchequer sent a *certiorari* writ to the

⁴⁸ *Ad quem diem predicti mercatores de Almania, illi videlicet, qui habent domum in civitate London', que guyldehalla Theutonicorum vulgariter nuncupatur, videlicet Petrus Kennyngeter, Johannes Manders, Cristianus Questenbergh, Johannes Varnem, Johannes Berkham et Henricus Culle [baronibus predictis certificarunt, quod predicti Andreas Hanker, Matheus van dan Crest et Gerardus Fox] sunt mercatores de Almania vocati Hans' et a dicto festo sancti Michaelis anno dicti domini regis nunc secundo usque 16^m diem Julii tunc proxime sequentem [29 Sept. 1462–16 July 1463] fuerunt de societate sua.* Note that it was the Exchequer which first insisted that membership in the London Kontor (*fuerunt de societate sua*) was requisite for the enjoyment of Hanseatic privileges. Lloyd (1991) 378, therefore errs in asserting that "during negotiations early in Edward IV's reign the king's lawyers ruled that only members of the London Gildhall were entitled to use the franchises".

⁴⁹ Pikeryng and Perpoynthe accounted in Michaelmas term 1463 (TNA: PRO, E159/240 Recorda Michaelis m 2) and the Exchequer's deliberations were recorded in the Lord Treasurer's Remembrancer's memoranda roll (TNA: PRO, E368/236 Visus et status compotorum Michaelis m 4). One should mention that Pikeryng and Perpoynthe had submitted a view of account (*visus compoti*) in Easter term 1463 (TNA: PRO, E159/240 Fines, Visus... Pasche—membranes not numbered), but this contains no information on Hanseatic trade.

⁵⁰ TNA: PRO, E159/240 Brevia directa baronibus Pasche m 1.

⁵¹ *quod predicti Nicholaus de Haughton, Hennyng Gruter, Thomas Broune et Hermannus Swarte sunt mercatores de Almania, scilicet de illis mercatoribus, qui habent domum in civitate predicta, que guildehalla Teutonicorum vulgariter nuncupatur, prout dicti collectores dicunt super sacramentum suum.*

Steelyard on 24 October 1463, ordering it to 'inspect its rolls and other documents containing the names of the merchants of the Hanse and to inform the barons in Westminster on the following 21 November, bringing the present writ with them'.⁵² On the day in question, the representatives of the Steelyard—Dietrich Huppe, Rombald Colsart, Peter Bodenclop, Heinrich Brake and Heinrich Nederhof—certified that the merchants in question were indeed Hanseatic,⁵³ and the Exchequer approved the customers' petition.

The third case, with which the Exchequer did not deal until Hilary term of 1464, is the most important one. It demonstrates not only that the Exchequer still considered orders to the Steelyard to certify the names of Hanseatic merchants to be something outside of the ordinary but also that the Steelyard's certifications had not yet been cast into a stable diplomatic form. The Lynn customers William Chapman and John Herman had appeared in Hilary term of 1464 to account for the period from 7 June to 12 July 1463,⁵⁴ but the auditing of their account seems to have taken unusually long, since they only accounted in the following term (Easter 1464).⁵⁵ In due course, the customers petitioned the Exchequer for exoneration for the £7 3d poundage which the auditor had charged them on Hanseatic imports worth £140 5s which had been effected by Michael Strangge, Clays Plate, Reginald Godebek, Hans Wyse, Paul Symond, Clays Edemak, Heinrich Owstaff and Hans Yonge. As the Southampton and Boston customers had done, Chapman and Herman referred the Exchequer to Edward IV's patent of 9 March 1463, to his corresponding mandate directed to the Exchequer on 28 April 1463⁵⁶ and to the privy seal writ of 9 March 1463 embodying the patent of that date which the chancery had sent them. Again, the Exchequer wanted to be certain as to whether the importing

⁵² *quod—scrutatis rotulis et evidenciis suis de nominibus mercatorum de societate sua—ipso barones in premissis ad dictum scaccarium apud Westmonasterium die lune accedente 21^o die Novembris tunc proxime futuro [21 Nov. 1463] redderent cerciores, deferendo tunc ibidem secum breve predictum.*

⁵³ *Ad quem diem predicti mercatores de Almania, illi videlicet, qui habent domum in civitate London', que gyldehalda Theutonicorum vulgariter nuncupatur, videlicet Theodoricus Huppe, Rombaldus Colsart, Petrus Bodonellopp, Henricus Brake et Henricus Nederhoff, baronibus predictis certificarunt, quod predicti Nicholaus van Haughton, Henmynge Gruter, Thomas Browne et Hermannus Swart sunt mercatores de Almannia vocati Hans' et a festo sancti Michaelis anno dicti domini regis nunc secundo usque 20^m diem Julii tunc proxime sequentem [29 Sept. 1462–20 July 1463] fuerunt de societate sua.*

⁵⁴ See TNA: PRO, E159/240 Recorda Hillarii m 3.

⁵⁵ See TNA: PRO, E368/237 Visus et status compotorum Pasche m 8.

⁵⁶ TNA: PRO, E159/240 Brevia directa baronibus Pasche m 15.

merchants had, in fact, been Hansards during the accounting period before deciding on the customers' petition.⁵⁷ Consequently, it sent a *certiorari* writ to the Steelyard on 18 November 1464, ordering it to 'inspect its rolls and other documents containing the names of the merchants of the Hanse and to inform the barons in Westminster on the following 24 November, bringing the present writ with them'.⁵⁸ The difference between the Lynn account and the previous Southampton and Boston accounts was that the Lord Treasurer's Remembrancer's Memoranda Roll quoted the Steelyard's return:

On that day, the said merchants of Almain, namely Heinrich Kesepenyok, Karl van dem Schijd, Arnold Mowijck, Johannes Sovenich, Mathew Cremer and Johannes Stum returned the said writ endorsed as follows: 'By virtue of this writ, we—Heinrich Kesepenyok, Karl van dem Schijd, Arnold Mowijck, Johannes Sovenich, Mathew Cremer and Johannes Stum, merchants of Almain, those namely who have a house in the city of London commonly called the Guildhall of the Germans—certify the barons that the said Michael Strangge, Clays Plate, Reginald Godebek, Hans Wyse, Paul Symond, Heinrich Owstaff and Hans Yonge are merchants of Almain called Hansards and were members of our society from 7 June 1463 to the following 12 July and that the said Clays Edemak is not a Hansard and was not a member of our society from 7 June 1463 to the following 12 July.'⁵⁹

Thereupon, the Exchequer granted the Lynn customers' petition, excepting only Clays Edemak, who was possibly a sailor engaged in small-scale

⁵⁷ *utrum predicti Michael Straunge, Clays Plate, Reginald Godebek, Hans Wyse, Paul Simond, Clays Edemak, Henricus Owstaff et Hans Yonge sint et a sexto die Junii anno tercio regis nunc usque 12 diem Julii tunc proxime sequentem* [6 June–12 July 1463, i.e. during the accounting period] *fuerunt mercatores de Almania vocati Hans' necne.*

⁵⁸ *quod—scrutatis rotulis et aliis evidenciis suis de nominibus mercatorum de societate sua—ipso barones in premissis ad dictum scaccarium apud Westmonasterium die veneris accidente 24^{to} die Novembris tunc proxime futuro* [24 Nov. 1464] *redderent cerciores, differendo tunc ibidem secum breve predictum.*

⁵⁹ *Ad quem diem predicti mercatores de Almania, videlicet Henricus Kesepenyok, Karolus van dem Schijd, Arnoldus Mowijck, Johannes Sovenich, Mathias Cremer et Johannes Stum retornarunt breve predictum indorsatum sic: "Virtute istius brevis nos Henricus Kesepenyok, Karolus van dem Schijd, Arnoldus Mowijck, Johannes Sovenich, Mathias Cremer et Johannes Stum mercatores de Almania, illi videlicet, qui habent domum in civitate London', que guyldehalla Theutonicorum vulgariter nuncupatur, in eadem civitate nunc existentes, baronibus infrascriptis certificamus, quod Michael Strangge, Clays Plate, Reginaldus Godebek, Hans Wyse, Powle Symond, Henricus Owstaff et Hans Yonge infranominati sunt mercatores de Almania vocati Hans' et a septimo die Junii anno regni regis nunc tercio usque 12 diem Julii tunc proxime sequentem infrascripti fuerunt de societate nostra et quod infrascriptus Clays Edemak non est mercator de Hansa predicta nec a dicto 7 die Junii usque dictum 12. diem Julii fuit de societate nostra."*

trading, since his imports were worth no more than 33s 4d. From our point of view, it is important to note that the form of words used in the Steelyard's return differs considerably from that which had been used in the certification to the Hull customers on 7 July 1463⁶⁰ and which would rapidly become established as standard (certifications no. 3, 9 etc.). That the Lynn certification uses a different form of words is best explained by reference to the fact that the Hull customers accounted a good deal later (Hilary term 1465) than their colleagues from Southampton (Michaelmas term 1463), Boston (Michaelmas term 1463) and Lynn (Hilary and Easter terms 1464).

II. *The Testimony of the Steelyard Certifications on Hanseatic Trade with England*

Between 1461 and 1474, 51 particulars of account and controlment rolls (out of a total of at least 374)⁶¹ have survived which tell us anything at all about Hanseatic trade with England. Even if the Steelyard certifications do not give us the wealth of information on Hanseatic imports and exports as do the customs accounts, they at least provide us with some information from a total of 39 customs accounts which have not survived. Meager as the harvest of mere names is, some patterns do emerge. Some 226 of the total of 331 Hanseatic merchants and sailors named in the certifications can be localized. Map 1 shows their origins.

⁶⁰ Compare the wording of the certification directed to the Hull customers (TNA: PRO, E122/62/4 sewn onto m 2): *Universis et singulis presencia visuris seu legi audituris et specialiter honorabilibus et discretis viris customariis domini regis in portu ville de Kyngeston super Hull amicis nostris sincere dilectis nos aldermannus et communes mercatores regni Almanie habentes domum in civitate London', que guyldhalla Theutonicorum vulgariter nuncupatur, in eadem civitate nunc existentes post debite reverencie et salutacionis, prout uniuscujuscumque status requirit, exhibicionem cupimus innotesci, quod Rainaldus Kyrkholde, Johannes Broun, Jasper Mayner, Henricus Keysepenny, Johannes Felebrigge, Ricardus Scaght, Court Knopp, Henricus Gysepenny, Martinus Howenoygh, Jacobus Plubb, Andreas Herder, Hermannus Gleman, Johannes Wynryk, Bartholomeus Wry, Bartholomeus Wolff, Henricus van Ose, Henricus Scottowe, Simon Sawle, Johannes Bisshopp, Jacobus Prote et Ambrosius Stele mercatores dicti regni Almanie existunt de dicta domo guyldhalle Theutonicorum absque dolo vel fraude. In cuius rei testimonium sigillum nostrum secretum inferius ad marginem hujus littere fecimus apponi anno Domini millesimo quadringentesimo sexagesimo tercio, die vero nono mensis Julii.*

⁶¹ Information on the total number of customs accounts derived from Jenks (2010), Jenks (2011), Jenks (2013). However, there are gaps in the enrolled customs accounts (e.g. Newcastle after 19 July 1468), so that the number given is a minimum.



Map 1 Origins of Hanseatic Merchants Trading with England, 1461–1474

By far the largest contingent was formed by the 103 merchants of Cologne, followed by Danzig (75), Lübeck (17), Hamburg (13), Nimwegen (5), Dinant (3), Braunschweig (2), Stralsund (2) and Soest, Riga, Duisburg, Dortmund, Bremen and Münster (1 each). More important than the sheer numbers of Hanseatic merchants is the geographical distribution of their trade. One finds merchants from the lower Rhine (Cologne, Dinant, Nimwegen, Duisburg, Dortmund and Münster) concentrated in London and its out-ports Dover (Sandwich customs district) and Colchester (Ipswich customs district), as Table 6 shows. In drawing up this and the following tables, I have indicated the total number of merchants from each town in the left column, but have counted the merchants in each Steelyard certification separately. Thus, if a Cologne merchant's name appears in 10 certifications directed to the London customers, he will be counted once in the 'City' column, but ten times in the 'London' column.

Merchants from Danzig showed a very different pattern of trade. While they also visited other customs districts, their trade was clearly centred in Lynn and Hull (Table 7), as it had been for some time.⁶²

⁶² Jenks (1992a) 417–423 (Lynn) and 432–7 (Hull).

Table 6 Trade of Merchants from the Lower Rhine, 1461–74

City	London	Ipswich	Sandwich	Lynn	Hull	Yarmouth
Cologne (103)	242	150	85	6	5	—
Dinant (3)	3	—	—	—	—	—
Nimwegen (5)	5	13	—	—	—	—
Duisburg (1)	—	2	—	—	—	1
Dortmund (1)	—	—	1	—	—	—
Münster (1)	2	3	2	1	—	—

Table 7 Danzig Merchants' Trade with England, 1461–74 (75 Merchants)

London	Ipswich	Sandwich	Lynn	Hull	Boston	Bristol	Yarmouth
2	19	2	42	76	3	4	3

Table 8 Hanseatic Coastal Towns' Trade with England, 1461–74

City	London	Ipswich	Lynn	Hull	Boston
Hamburg (13)	—	19	6	2	—
Lübeck (17)	1	7	4	2	2
Stralsund (2)	—	—	2	—	5
Riga (1)	—	—	—	1	—
Bremen (1)	—	1	1	—	—

Merchants from the Hanseatic coastal towns (Hamburg, Lübeck, Stralsund, Riga and Bremen) developed a more scattered trade. While they generally steered clear of London and Sandwich where Cologne merchants held sway, they did not wholly avoid the Danzig merchants' favored ports of call, Hull and Lynn. In addition, Lübeck and Stralsund merchants occasionally called at Boston, where they—as we know from other sources⁶³—traded Norwegian stockfish and cod-liver oil for English cloth, while Hamburg merchants imported woad—originally from the area around Erfurt which had been shipped down the Elbe—into Colchester (Ipswich customs district).

Merchants from the Hanse's industrial heartland (Braunschweig, Soest) rarely visited England (Table 9), and their trade shows no discernable pattern.

⁶³ Jenks (1992a) 424–32.

Table 9 Trade of Merchants from the Hanseatic Heartland, 1461–74

City	Sandwich	Hull	Boston
Braunschweig (2)	—	1	1
Soest (1)	1	—	—

Table 10 Trade of Merchants (105) Who could not be Localized, 1461–74

London	Ipswich	Sandwich	Lynn	Hull	Boston	Bristol	Yarmouth
13	28	8	9	59	15	1	2

Finally, there is a relatively large group of merchants who have left no other trace in the records and consequently could not be localized. The fact that these 105 merchants are recorded, on the average, in 1.29 Steelyard certifications, while the Cologne merchants were named in an average of 4.74 certifications suggests that the ‘unknowns’ were, in fact, sailors who visited England once only and conducted a little modest trade on the side. Furthermore, the large number of visits of Hansards in this group to Hull makes it seem likely that it was largely comprised of sailors on Prussian ships, although there is a significant grouping of ‘unknowns’ in London, Sandwich and Ipswich, where Cologne merchants called the tune among the Hansards.

Following the Peace of Utrecht (28 February 1474),⁶⁴ the system of certification of Hansards was only continued in the case of the Cologne merchants. While they continued to enjoy the protection of the Hanse’s privileges—at least in the eyes of the crown—by virtue of the Treaty of London (22 March 1437), as confirmed by subsequent royal privileges,⁶⁵ most recently on 1 August 1474,⁶⁶ merchants from other Hanse towns were now free to trade with England according to the terms of the Peace of Utrecht (28 February 1474), which not only restored their customs privileges as embodied in the Treaty of London, but also mandated that the £10,000 compensation agreed in Utrecht be reckoned against the customs which would have been due on their goods (with the sole exception of staple merchandise) at the pre-war rates.⁶⁷ In order that the crown might

⁶⁴ HR II 7 no. 142, pp. 340–50.

⁶⁵ Treaty of London of 22 March 1437: HR II 2 no. 84, pp. 84–8. On the extensions granted to Cologne merchants see Jenks (1994) 158, no. 14–16 and Jenks (2012) xi–xii.

⁶⁶ CPR 1467–77, p. 452.

⁶⁷ HR II 7 no. 142 § 9, pp. 345–6.

know how much compensation had been paid and how much remained to be paid (*ad finem, ut dominus rex possit de anno in annum super summa antedicta et quantum de eadem solvenda restiterit certificari*),⁶⁸ the treaty specified that all Hanseatic imports and exports were to be recorded in the form of indentures drawn up by the customers and the Hansards. Consequently, Edward IV directed the customers on 3 June 1475 to record all non-Cologne Hanseatic trade in this form.⁶⁹ This sounded the death-knell for the old system of Steelyard certifications.⁷⁰ Once Cologne—after suitable gestures of atonement—had been re-admitted to the Hanse by the Bremen Diet in 1476⁷¹ its merchants, too, ceased to require certification of their membership in the Hanse, and their trade was simply recorded along with that of other Hanseatic merchants in the indentures drawn up with the customers. This system remained in force until payment of the compensation agreed in Utrecht was completed in 1488.

III. *The Distribution Revolution and Hanseatic Trade with England*

The analysis of the Guildhall certificates illuminates the structures of Hanseatic trade with England in the third quarter of the fifteenth century. Overall, it was dominated by two groups of merchants: those from Cologne and those from Danzig (graph 1).

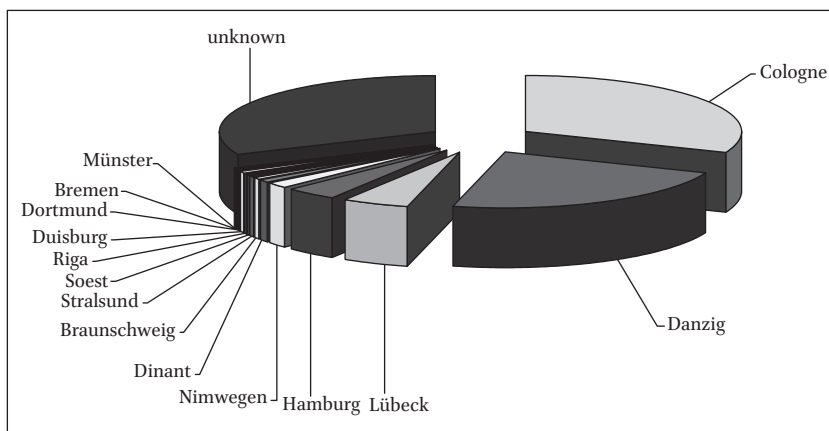
Of all the Hansards trading with England (103 persons) in our period, 31.12% were from Cologne, 22.66% from Danzig, 5.14% from Lübeck, 3.93% from Hamburg and 1.51% from Nimwegen. No other single town's merchants accounted for more than 1% of the group. The impression that Hanseatic trade with England was highly concentrated in the hands of merchants from a handful of towns is confirmed if we analyze the number

⁶⁸ HR II 7 no. 142 § 9, p. 346. Edward IV issued a corresponding patent on 14 Dec. 1474: HR II 7 no. 286, p. 462.

⁶⁹ CCR 1468–76, no. 1418, p. 396. The corresponding order to the Exchequer was enrolled in Michaelmas term: TNA: PRO E159/252 Recorda Michaelis m 9–9d. Some of these indentures have survived in the original: Archiv der Hansestadt Lübeck, Anglicana 212, dated 8 Aug. 1475 (Hull) and Anglicana 215, dated 28 Sept. 1475 (London Petty Customs).

⁷⁰ While the Steelyard continued to issue certifications to the customers after 1474/76, this would seem to have been done only sporadically.

⁷¹ HR II 7 no. 395, pp. 647–50. Lübeck wrote Edward IV on 26 Nov. 1476 to inform him of this fact: TNA: PRO E30/1342.



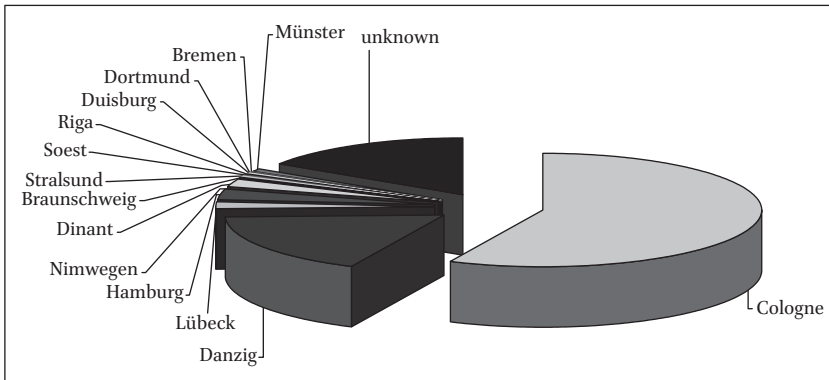
Graph 1 Hanseatic Merchants in England, 1463–74
(Number of Merchants in Steelyard Certification)

of ‘merchant-years’ each town contributed to Hanseatic trade with England.⁷²

Of the total of 856 ‘merchant-years’ of Hanseatic trade with England, Cologne merchants accounted for 57.01% and Danzig merchants for 17.52%, followed by stragglers (Hamburg 3.15%, Nimwegen 2.10%, Lübeck 1.87%, the rest under 1%). If, as I have reason to suspect, the ‘unknowns’ were in fact Prussian sailors (most probably from the major sea port, Danzig), then the dominance of Danzig—alongside of Cologne—becomes even more pronounced, both in terms of persons (22.66% + 31.72% = 54.38%) and merchant-years (17.52% + 15.77% = 33.29%). By this calculation, 85.50% of all Hanseatic merchants trading with England came from Cologne or Danzig, and they accounted for 90.30% of all merchant years. Hanseatic trade with England was concentrated almost exclusively in the hands of merchants from just two towns.⁷³

⁷² The figures in graph 2 were generated by counting the number of names of Hanseatic merchants mentioned in the certificates. Since each certificate related to one customs account and the customers normally accounted for a period of one year, the fact that a given merchant is named in ten certificates directed to the London customers means that he traded with London for ten years.

⁷³ I hasten to add that these calculations cannot not reflect trade volume, since this could only be recovered from the customs accounts themselves. It is worth mentioning that, if one calculates the Gini coefficient (a common measure of inequality) for the 226 Hanseatic merchants of known origin trading with England between 1463 and 1474, the result is 75.66, an extremely high value. By way of comparison, the highest Gini coefficient for family incomes in the present-day world is 70.7 (Namibia, 2003), the lowest 23.0



Graph 2 Hanseatic Merchants in England, 1463–74
(Number of Steelyard Certification Entries)

If we are to interpret the evidence of the Steelyard certificates as proof that the Distribution Revolution had taken hold, then we must demonstrate that Hanseatic trade—with England and other overseas regions—had been conducted by merchants from a much larger number of towns prior to the fifteenth century. Although there are no complete lists of Hansards trading with any region during the thirteenth and fourteenth centuries, there are some indications that the number of towns whose merchants traded overseas was much larger then than in the fifteenth century. Famously, Walther Stein defined a Hanseatic town as one whose merchants made use of the Hanse's privileges overseas (*im Ausland*).⁷⁴ He found a total of 164 towns which fulfilled this criterion.⁷⁵ Hanseatic merchants trading with England between 1463 and 1474 hailed, by way of contrast, from just 14 towns, six of which were represented by just one merchant. On the—admittedly shaky—assumption that Hanseatic trade with England was representative of Hanseatic trade as a whole, this would mean that 150 towns had ceased to trade overseas.

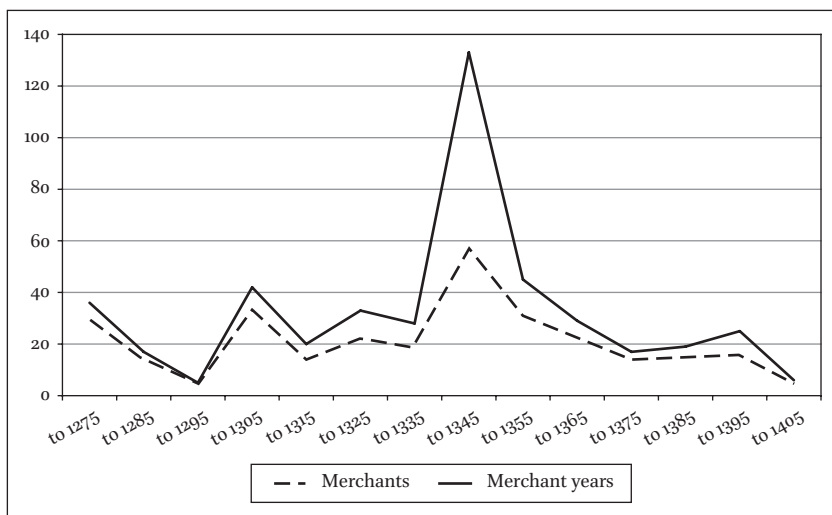
We can follow this process to some degree in the case of Dortmund. Luntowski's work allows us to make a quick back-of-the-envelope calculation of the numbers of merchants from Dortmund who were trading with England between 1265 and 1405.⁷⁶ Graph 3 shows the results. Judging

(Sweden, 2005) and the median 39.0: <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2172rank.html> (16 Aug. 2010).

⁷⁴ Stein (1913) 290–1.

⁷⁵ Stein (1915) 175.

⁷⁶ Luntowski (1970).



Graph 3 Dortmund Merchants in England, 1265–1405

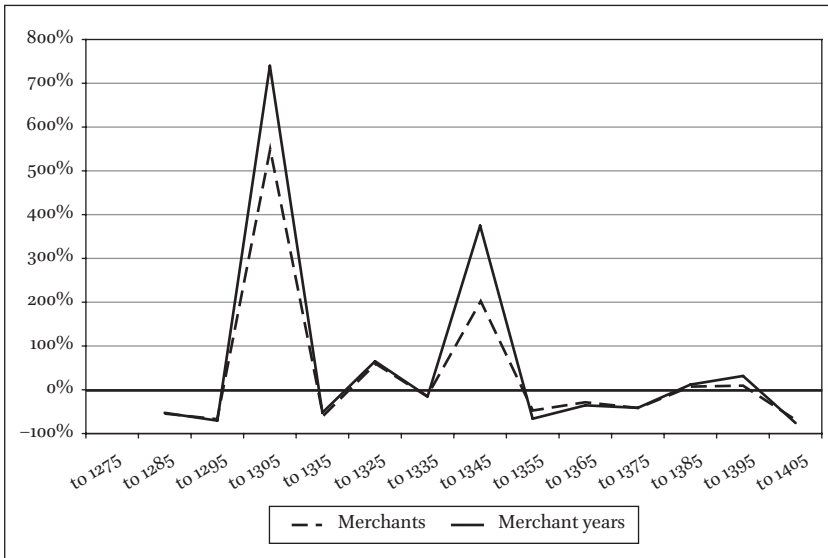
by the number of merchants and merchant years, Dortmund's trade with England was robust in the first half of the fourteenth century—loans to the crown by a consortium of Dortmund merchants account for the peak in mid-century—but entered a steep decline by the last quarter of the century.

If we chart the decade upon decade changes in Dortmund's participation in trade with England, the decline becomes even more marked (Graph 4).

The Steelyard certificates show that the trend continued in the fifteenth century. Had Dortmund's merchants continued to trade with England at the rate they did between 1265 and 1405, then we would have expected to find 19 merchants in the twelve year period from 1463 to 1474.⁷⁷ The Steelyard certificates record the name of only one Dortmund merchant.

Now, one might raise all sorts of objections as to how representative these results are. However, on the principle, originally advanced by Postan, that if all the indicators—be they never so inconclusive taken alone—all point in the same direction, then the case is proved, I am convinced that the Distribution Revolution had taken effect in the Hanse by the late fifteenth century. Ever more towns—like Dortmund—contented them-

⁷⁷ In the 135 years between 1265 and 1405, a total of 216 Dortmund merchants traded with England: Luntowski (1970) p. 8.



Graph 4 Dortmund Merchants in England, 1265–1405, Percentage Change from Previous Decade

selves with supplying the markets one level up in the hierarchy, so that their merchants no longer ventured any farther than that. The Hanseatic *Kontor* in England played host to merchants from an ever-shrinking number of towns, and the same was substantially true for the other overseas *Kontore*. While the particular selection of Hanseatic towns which traded with any given *Kontor* (or other external commercial emporium) was surely never identical, Hanseatic trade was increasingly funnelled through an ever smaller number of towns.⁷⁸

Thus, the stage was set for the Consumption Revolution, in which fixed shops sold consumers an ever wider range of (exotic) products.⁷⁹ It goes without saying that these shops relied on a distribution network to supply them with the products they sold. If the Distribution Revolution had not taken place in the fifteenth century, there could not have been a Consumption Revolution in the sixteenth and seventeenth century.

⁷⁸ For Bergen see Wubs-Mrozewicz (2008) 60–1; for Novgorod see Angermann (1990) 102–3; Angermann (1998) 240–1 and HR III 3 no. 502B. Bruges is something of a special case, since the *Kontor* was essentially abandoned. Even so, in the early sixteenth century the *Kontor* was populated almost exclusively by Lübeck merchants: Friedland (1963) 9–11.

⁷⁹ Blondé (2006) 12, 18.

Appendix I: "Day Books": The Example of George Mixstow's Ship

A: Imports

L TNA: PRO, E122/184/3/5/4. Original. Paper. Traces of an impressed private seal.

De nave, unde Georgeus Mixstow est magister, intrante 5 die Junii

De Roberto Ken pro 3 balis madir, 4 pokes de mollmadir, 2 barellis lath-naylles, 1 maunde de hatte brussches et aliis haberdaschry

L TNA: PRO, E122/184/3/5/6. Original. Paper. Traces of an impressed private seal.

De nave, unde Georgeus Mixstowe est magister, intrante 5 die Junii

De Waltero Fetplace indigena pro 8 balis de madir, 24 balettis alym roche

L TNA: PRO, E122/184/3/5/14. Original. Paper. Traces of an impressed private seal.

De^a nave, unde Georgeus Mixstowe est magister, intrante 5 die Junii

De Roberto Aylward indigena pro 4 balis madir, 3 saccis de comyn, 4 barellis lathenaylles, 100 pissibus siccis et 5 balettis alym roche

L TNA: PRO, E122/184/3/5/15. Original. Paper. Traces of an impressed private seal.

De nave, unde Georgeus Mixstowe est magister, intrante 5 die Junii

De Galfrido Bernard indigena pro 6 barellis saponis, 24 balettis alym roche

L TNA: PRO, E122/184/3/5/52. Original. Paper. Traces of an impressed private seal.

De^a nave, unde Georgeus Mixstowe est magister, intrante 5 die Junii

De Roberto Kenne indigena pro 4 pokes de mollemadir, 2 barellis lath-naylles, 1 maunde haberdasshry de Georgio Mixstow

De Henrico Baron [pro] 5 balett alym

^aIn *L* (erroneous).

B: Exports in the Marie of Southampton

L TNA: PRO, E122/184/3/4 m 10. Original. Paper. Unsealed. On the dorsal side: The Marie of Hampton goyng to Spruce anno quarto.

The Marie of Hampton goyng to Spreys anno quarto

^aOmnibus fidelibus et ministris domini regis Anglie, ad quos presentes litere pervenerint, collectores custumarum et subsidiorum ejusdem domini nostri regis in portu ville Suthamptonie salutem. Sciatis, quod Thomas Wynterborne indigena pro 8½ pannis et 4 virgis curtis sine grano carcat in nave, unde Johannes Bigbroke est magister, custumas et subsidia inde dicto domino nostro regi debita in portu ville predictae bene et fideliter persolvit. In cuius rei testimonium sigillum officii nostri presentibus

apposuimus. Datum apud Suthamptoniam 2 die Maii anno regni regis Henrici Sexti quarto [2 May 1426].

^bOmnibus fidelibus et ministris domini regis Anglie, ad quos presentes littere pervenerint, collectores custumarum et subsidiorum ejusdem domini nostri regis in portu ville Suthamptonie salutem. Sciatis, quod Georgeus Uske indigena pro 10 pannis curtis sine grano carcatis in nave, unde Johannes Bigbroke est magister, custumas et subsidia inde dicto domino nostro regi debita in portu ville predicte bene et fideliter persolvit. In cujus rei testimonium sigillum officii nostri presentibus apposuimus. Datum apud Suthamptoniam 2 die Maii anno regni regis Henrici Sexti quarto [2 May 1426].

^cOmnibus fidelibus et ministris domini regis Anglie, ad quos presentes littere pervenerint, collectores custumarum et subsidiorum ejusdem domini nostri regis in portu ville Suthamptonie salutem. Sciatis, quod Johannes Wyot indigena pro 47 pannis curtis sine grano carcatis in nave, unde Johannes Bigbroke est magister, custumas et subsidia inde dicto domino nostro regi debita in portu ville predicte bene et fideliter persolvit. In cujus rei testimonium sigillum officii nostri presentibus apposuimus. Datum apud Suthamptoniam 2 die Maii anno regni regis Henrici Sexti quarto [2 May 1426].

^dOmnibus fidelibus et ministris domini regis Anglie, ad quos presentes littere pervenerint, collectores custumarum et subsidiorum ejusdem domini nostri regis in portu ville Suthamptonie salutem. Sciatis, quod Willelmus Nicoll indigena pro 24 pannis curtis sine grano et Walterus Fetplace indigena pro 20 pannis curtis sine grano carcatis in nave, unde Johannes Bigbroke est magister, custumas et subsidia inde dicto domino nostro regi debita in portu ville predicte bene et fideliter persolverunt. In cujus rei testimonium sigillum officii nostri presentibus apposuimus. Datum apud Suthamptoniam 4 die Maii anno regni regis Henrici Sexti quarto [4 May 1426].

^eOmnibus fidelibus et ministris domini regis Anglie, ad quos presentes littere pervenerint, collectores custumarum et subsidiorum ejusdem domini nostri regis in portu ville Suthamptonie salutem. Sciatis, quod Willelmus Waryn indigena pro 39 pannis curtis sine grano et Willelmus Warnere indigena pro 9 pannis et 8 virgis curtis sine grano, Henricus Maii indigena pro 22 pannis curtis sine grano et Willelmus Marenell indigena pro 20 pannis curtis sine grano carcatis in nave, unde Johannes Bigbroke est magister, custumas et subsidia inde dicto domino nostro regi debita in portu ville predicte bene et fideliter persolverunt. In cujus rei testimonium sigillum officii nostri presentibus apposuimus. Datum apud Suthamptoniam 3 die

Maii anno regni regis Henrici Sexti quarto [3 *May* 1426].

^fOmnibus fidelibus et ministris domini regis Anglie, ad quos presentes littere pervenerint, collectores custumarum et subsidiorum ejusdem domini nostri regis in portu ville Suthamptonie salutem. Sciatis, quod Johannes Wyllyam indigena pro 14½ pannis et 6 virgis curtis carcatis in nave, unde Johannes Bigbroke est magister, custumas et subsidia inde dicto domino nostro regi debita in portu ville predictae bene et fideliter persolvit. In cujus rei testimonium sigillum officii nostri presentibus apposuimus. Datum apud Suthamptoniam 3 die Maii anno regni regis Henrici Sexti quarto [3 *May* 1426].

^gOmnibus fidelibus et ministris domini regis Anglie, ad quos presentes littere pervenerint, collectores custumarum et subsidiorum ejusdem domini nostri regis in portu ville Suthamptonie salutem. Sciatis, quod Johannes de Port indigena pro 50 pannis curtis sine grano et Willelmus Emelyn indigena pro 20 pannis curtis sine grano carcatis in nave, unde Johannes Bigbroke est magister, custumas et subsidia inde dicto domino nostro regi debita nobis in portu ville predictae bene et fideliter persolverunt. In cujus rei testimonium sigillum officii nostri presentibus apposuimus. Datum apud Suthamptoniam 3 die Maii anno regni regis Henrici Sexti quarto [3 *Mai* 1426].

^hOmnibus fidelibus et ministris domini regis Anglie, ad quos presentes littere pervenerint, collectores custumarum et subsidiorum ejusdem domini nostri regis in portu ville Suthamptonie salutem. Sciatis, quod Johannes Emmery indigena pro 2 pannis curtis sine grano et Johannes Selby indigena pro 2½ pannis curtis sine grano carcatis in nave, unde Johannes Bigbroke est magister, custumas et subsidia inde dicto domino nostro regi debita nobis in portu ville predictae bene et fideliter persolverunt. In cujus rei testimonium sigillum officii nostri presentibus apposuimus. Datum apud Suthamptoniam 4 die Maii anno regni regis Henrici Sexti quarto [4 *May* 1426].

The retourne of the Marie of Hampton fro Spres anno quarto

Memorandum, quod 3000 waynescot

Item 2000 [et] 4 clepholde

Item 24 last of tarre

Item 4 skokis thelys

Item 4 pythe

Item 4 last flex

Item 2 tonne pyc' jre

Item 4000 lede
 Item 12 peces wax
 Item 1 barell style
 Item 5 Spruce tablis
 Item 40 corvyseres bardis

ⁱMemorandum, quod 18 die of Maii anno regni regis Henrici Sexti post conquestum quarto [18 May 1426] Johannes de Porte et Willelmus Emelyn pro 70 pannis carcatis in nave, unde Johannes Bigbroke est magister, into Spreuce into the toune of Dansk the forseyde clothe wasse ileyde a londe into sale fro the day aboveseyde into the 20 day of Junii of the same 70 pannis 20 pannos thereof were retourned into the same sheppe azenne to the port of Suthampton the lest day of Septembre the forseyde 20 pannos icaryed forthe to Burdeux be thow custome or coketes save o[n]ly the kokettes that they hadde into Spruce.

^a Marginated: *Thomas Wynterborne* L. ^b Marginated: *Georgeus Uske* L. ^c Marginated: *Johannes Wyot* L. ^d Marginated: *Willelmus Nicoll* L. ^e Marginated: *Willelmus Waryn* L. ^f Marginated: *Johannes William* L. ^g Marginated: *Johannes de Port* L. ^h Marginated: *Johannes Emmerly* L. ⁱ Marginated: *Johannes de Porte et Willelmus Emelyn* L.

Appendix II: Henry VI's Order of 16 November 1428

L TNA: PRO, E159/205 Recorda Michaelis m 18. Contemporary official fair copy. Parchment. Unsealed. Marginated: De diversis libris collectoribus customarum et subsidiorum regis in singulis portubus Anglie missis pro diversis ordinacionibus in eisdem libris exequendis et observandis juxta vim, formam et effectum earundem in brevi regis de privato sigillo suo annotatis.

Dominus rex mandavit hic breve suum de privato sigillo suo, quod est inter communia de hoc termino, in hec verba:

Henri par la grace de Dieu roy dEngleterre et de Fraunce et seignur dIrland as tresorer et barons de nostre eschequier saluz. Come le sezisme iour de cest present moys de Novembre [16 Nov. 1428] de lavis et assent de nostre counsaill eons ordenez et constitutz, qe a chescun port deinz nostre roiaume dEngleterre, en quel sont et serront customers et coillours des subsidies a nous duez annuellement, soit envoieiz hors de nostre dit eschequier a tieulx customers et coillours une livre ensealee desouz nostre seal de mesme nostre eschequier contenant certaine quantitee des foiles nombrez ordinalment en escript de le nombre de lez foiles deinz ycelle livre contenuz, dount le nombre demoerge de record en nostre dit eschequier, tiel come vous sembera suffissant et necessaire pur lentrete de lez nouns des marchantz et de lour marchandises deinz teil port entrantz et issantz par lan, en quel livre issint nombree et nulle autre les marchantz et autres persones, qi doient

paier subside et custume a nous pur lour biens et marchandises issantz ou entrantz deinz chescun tiel port, soient tenuz et facent entrer lour nouns et les quantitees de lour biens et marchandises issantz de tiel port ou entrantz deinz ycelle parmy lan ensemblement avec la value de tieulx biens et marchandisez, dount nous averons les subsidez selonc lafferant de la value, particulièrement et distinctement et ce devant, qe tieulx biens et marchandises, queux passeront hors de nostre dit roiaume dEngleterre soient mys en les niefs et vesseaux deinz leue de tiel port et devant ce, que tieulx biens et marchandises, queux viendrent deinz nostre dit roiaume dEngleterre deinz tiel port, soient mysez ou deliverez hors de tieulx niefs ou vesselx, sur peine de forfaiture ou autre peine, qappent sur et de tielx biens et marchandises mys ou deliverez au contraire; et qe lez ditz customers et coillours du subside soient toutditz prestez resonablement pur delivrer tieulx marchantz et gentz pur faire les entreez de les nouns de tieulx marchantz et de lour biens et marchandises passantz ou entrantz deinz tielx portz sur peine de paier a celluy, qi soy sente grevez en celle partie non duement, sez damagez; et qe les ditz customers et coillours soient chargez et serementz de par-fournir tout ce, qappertient a parfournir de lour part de et sur lez ordenances dessusdictes; et qe lez ditz customers et coillours ne facent nulle rasure de tielx livres de les nouns de tieulx marchantz, biens et marchandises ne de la value dicelles sur peine demprisonement et a nous faire fyn et raunceon; et qe nulle tielx biens et marchandises soient mys ne amesnez ou deliverez en ne hors de tielx niefs et vesseaux nuytandre, mais par overte jour parentre le solail levant et ^ale^e solail couchant sur peine, qappent en celle partie; et qe mesmez lez customers et coillours facent billettz enseallez directz as sercheours de tielx portz contenant les quantitees de tieles marchandises et du noun de le marchaunt tost apres lentre en tiel livre, saunz riens prendre pur ycelle; et qe nulle tiel nief ne vesseau passe ne isse hors daucun port avant ce, quil soit serche par nostre sercheour sur la peine avauntdicte. Volons de lassent de nostre dit counsail et vous mandons, qe vous facez duement executer et observer les dictes ordenances selonc les vigeure, forme et effect dicelles et ce ne lessez en nulle manere. Doun souz nostre preve seal a Westmonstre, le susdit 16 jour de Novembre lan de nostre regne septisme.

Postea, videlicet quintodecimo die Februarii hoc eodem anno septimo [15 Feb. 1429], Walterus Hungerford chivaler thesaurarius Anglie liberavit hic per manus suas proprias quatuordecim libros de pergamento, quorum folia singillatim ad receptam hujus scaccarii numerata existunt et quorum numerus in eisdem libris, videlicet in primo folio cujuslibet eorundem, plenius inseritur. Et insuper postea, videlicet vicesimo quinto die Februarii predicto anno septimo [25 Feb. 1429], prefatus thesaurarius liberavit hic per manus Johannis Skelton unius clericorum de recepta predicta quatuor alios libros, unde folia minime numerata fuerunt, ad receptam predictam ad folia eorundem quatuor librorum hic in curia in eisdem libris singillatim numeranda et eundem numerum in eisdem libris singillatim inserendum, ad effectum videlicet quod numerus

omnium librorum predictorum et foliorum ^aeorundem^a penes curiam hic remaneat de recordo et quod iidem libri sic numerati collectoribus customarum et subsidiorum regis in singulis portubus Anglie super dictis ordinacionibus in brevi predicto specificatis exequendis et observandis juxta vim, formam et effectum earundem sub sigillo hujus scaccarii separatim mittantur. Super quo inventis hic in curia decimo nono die Februarii predicto anno septimo [19 Feb. 1429] Roberto Dixon clerico uno collectorum customarum et subsidiorum regis in portu ville de Sancto Bothulpho, Thoma Chalton uno collectorum custume lanarum, coriorum et pellium lanutarum ac subs[idii] lanarum et pellium lanutarum in portu London', Thoma Walsyngham uno collectorum subsidii trium solidorum de dolio vini et duodecim denariorum de libra in eodem portu London' ac Willelmo Soper et Johanne Asshefeld collectoribus customarum et subsidiorum regis in portu ville Suthamptonie; inventis eciam hic in curia vicesimo primo die Februarii eodem anno septimo [21 Feb. 1429] Johanne Norton altero collectorum dictorum custume et subsidii lanarum etc. in dicto portu London', Willelmo Estfeld altero collectorum dicti subsidii trium solidorum de dolio vini etc. in eodem portu et Johanne Holym uno collectorum parve custume regis in eodem portu dictoque brevi de privato sigillo eisdem collectoribus hic in curia monstrato et ordinacionibus in eodem brevi contentis per eosdem plenius intellectis, iidem Robertus, Thomas, Thomas, Willelmus, Johannes, Johannes, Willelmus et Johannes prestiterunt separatim sacramentum corporale hic in curia diebus et anno supradictis, quod ipsi, ^aquantum in eis est^a, dictas ordinaciones facient debite exequi et observari juxta vim, formam et effectum earundem. Et super hoc liberantur hic in curia de libris supradictis, videlicet predicto decimo nono die Februarii [19 Feb. 1429], tres libri sub sigillo hujus scaccarii pendente super quadam ligula in eisdem libris posita, videlicet prefato Roberto Dixon unus liber continens 96 folia et prefatis Willelmo Soper et Johanni Asshefeld unus liber continens 96 folia, pro insercione nominum mercatorum et mercandisarum suarum infra dictos portus de Sancto Bothulpho et Suthamptonia separatim intrancium et exeuncium per annum; et prefato Thome Chalton unus liber continens 128 folia pro insercione nominum mercatorum et lanarum, coriorum et pellium lanutarum suorum infra dictum portum London' intrancium et exeuncium per annum. Et eciam predicto vicesimo primo die Februarii [21 Feb. 1429] duo libri sub sigillo predicto in forma predicta pendente, videlicet prefato Willelmo Estfeld unus liber continens 160 folia et prefato Johanni Holym unus liber continens 96 folia, pro insercione nominum mercatorum et mercandisarum suarum separatim infra dictum portum London' intrancium et exeuncium per annum juxta vim, formam et effectum ordinacionum

in dicto brevi de privato sigillo superius specificato contentarum. Et quia collectores custumarum et subsidiorum regis in quibuscumque aliis portubus regni Anglie ultra portus superius recitados non sunt presentes hic in curia ad presens ad recipiendum penes ipsos hic in curia libros super insercione nominum mercatorum et mercandisarum suarum infra quemlibet eorundem portuum intrancium et exeuncium per annum nec ad prestandum separatim sacramentum corporale super dictis ordinacionibus in dicto brevi de privato sigillo contentis juxta vim, formam et effectum earundem ordinacionum, concordatum est, quod unus liber de libris superius curie hic liberatis sub sigillo hujus scaccarii pendente in forma predicta collectoribus custumarum et subsidiorum regis in singulis portubus residuorum supradictorum super insercione nominum mercatorum et mercandisarum suarum etc. facienda separatim mittatur et quod iidem collectores super visibus compotorum suorum de custumis et subsidiis regis in eisdem portubus ad scaccarium hic in proximo reddendis sacramentum corporale prestare teneantur de ordinacionibus superius specificatis fideliter observandis. Et super hoc ^{a-a}missi^a sunt de eisdem libris 12 libri sub sigillo scaccarii predicti collectoribus custumarum et subsidiorum regis in portubus subscriptis, videlicet Bristollie, Jernemuthe, Gippewici, Lenne, Novi Castri super Tynam, Bruggewatere, Melcombe, Cicestrie ac Plymmouthe et Fowy, videlicet pro quolibet portu eorundem portuum unus liber, quorum quidem librorum quilibet liber continet 96 folia, ac collectoribus custumarum et subsidiorum regis in portubus subscriptis, videlicet Sandewici unus liber continens 112 folia, Kyngeston unus liber continens 120 folia et Exonie et Dertemuthe unus liber continens 80 folia. Et mandatum est eisdem collectoribus separatim per diversa brevina sub sigillo hujus scaccarii, quod eisdem libris separatim utantur, prout juxta vim, formam et effectum ordinacionum supradictarum fuerit faciendum, et quod iidem collectores curie hic de die liberacionis eorundem librorum et de quo libros illos separatim receperint a die Pasche in 15 dies [*11 Apr. 1429*] distincte et aperte certificent, sicut continetur alibi in hiis memorandis, videlicet inter brevina retornabilia de termino sancti Hilarii.

^{a-a} *Interlined L.*

Appendix III: Edward IV's Order of 10 May 1465

L TNA: PRO, E159/242 Recorda Pasche m 27d. Contemporary official fair copy. Parchment. Unsealed. Margined: Anglia; De tenore cujusdam brevis de privato sigillo.

Dominus rex mandavit hic breve suum de privato sigillo thesaurario et baronibus hujus scaccarii directum, cujus quidem brevis tenor sequitur in hec verba:

Edward by the grace of God kyng of Englande and of Fraunce and lorde of Irlande to the tresorer and barons of our eschequier gretyng. Whereas the 10 day of this present moneth of May [*10 May 1465*] by the avise and assent of our counsail we have ordeigned and made that at every porte within our reaume of England in the which been and shall been customers and collectours of custumes and subsidies to us due yerly shall be sent out of our seid eschequier to such customers and collectours a book ensealed under the seal of the seid eschequier conteignyng the noumbre of the leves conteigned in the seid bookes wherof the noumbre shall abide of recorde in our seid eschequier such as shall seme to you sufficient and necessarie for thentre of the names of the shippes and othir vesselx wyth the names of the maistres^a, patrons, scryveyns and pursers of the same and the dayes of commyng in or goyng oute of such shippes or vesselx and also of the names of marchauntes and of their marchandise commyng and goyng out wythin such porte thorowe the yere in the which book so noumbred and in noon othir booke nor cedull the marchauntes and othir persones the which owe to pay subsidie and custumes to us for her goodes and marchandise goyng oute or commyng in wythin every such porte be bounde and doo to entre their names and the quantities of their goodes and marchaundisez goyng out of such porte or commyng in wythin the same thorowe the yere wyth the value of such goodes and marchaundisez wherof we shall have the custumes and subsidies after thafferant of the valure particularly and distinctly. And that afore that such goodes and march[a]undises which shall passe out of this our seid reame of Englande shall be putte into the shippis and vesselx wythin the vater of any of our portes and before that also that such goodes and marchaundises which shall comme wythin our seid reame of Englande wythin such porte be putte or delyvered out of such shippis or vesselx upon peyn of forfeiture or othir payne that perteigneth of and upon such goodes and marchandise put or delyvered to the contrarie. And that the seid customers and collectours of custumes and subsidies be alwey redy resonably for to delyver such marchauntes and folkes for to make the entrees of the names of such marchauntes and of their goodes and

marchandises goyng oute or commyng wythin any such porte upon peyn for to pey to hym that felyth hym greved in this party unduely his damages. And that the seid custumers and collectours be chargede and sworne to perfourme all that that pertaineth to be perfourmed upon their parte of and upon the ordinaunces abovesaid. And that the seid custumers and collectours make no rasure in suche bookes of the names of suche marchantes goodes and marchandises nor of the value of the same upon peyn of enprisonment and to make to us fyne and raunson. And that no such goodes and marchaundises be put nor brought in or delyvered in or out of such shippis and vesselx by nyght but oonly be ^bopen^b day betwyx the sonne rising and the sonne sett upon peyn that longyth therto. And that the seid custumers and collectours do make billetes ensealed directed to the sercheoures of suche portes conteignyng the quantite of suche marchandises and the name of the marchaunt anoon after the entre ^bbe^b made in the seid booke, wythout any thyng to be take therfore. And that no maner such ship or vessell passe oute of any suche porte afore that it be serched by our sercheour upon the peyn aforseid. We of thassent of our counsail woll and commaunde you that ye do duely execute and observe the seid ordenaunce after the strength, fourme and effecte of the same. Yeven under our prive seale at Westminster, the saide 10 day of May the 5th yere of our reigne.

^a mastre *corrected to* maistres L. ^{b-b} *Interlined L.*

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DER EHRBAREN HANSE-STÄDTE SEE-RECHT:
DIVERSITY AND UNITY IN HANSEATIC MARITIME LAW

Edda Frankot

On 23 May 1614 Hanseatic representatives meeting in Lübeck approved the text of a sea law which would shortly thereafter be published as *Der ehrbaren Hanse-Städte Schiffs-Ordnung und See-Recht* ('The Ship Ordinance and Sea Law of the honourable Hanse Towns'). This law was the last in a long line of maritime regulations and ordinances enacted by the Hanse, but the first to cover the subject comprehensively and systematically. Alongside of the Hanse's inclusion in the Westphalian Peace negotiations in 1648, the law can perhaps be considered to have been one of the Hanse's last great achievements. Although its functionality as a communal Hanseatic law within the dwindling remains of the Hanse in the seventeenth century must be questioned, the sea law outlived its creator and continued to be esteemed as an important source of law among legal scholars throughout Northern Europe until the late eighteenth century.¹ But why did this common sea law only come into existence at such a late stage, when Hanseatic merchants and towns had been cooperating in trade and shipping for several centuries? During this period, maritime traders had shared certain special needs with regard to the smooth running of the shipping business and in obtaining justice wherever they set foot on land. So how had these needs been catered for without a general sea law which could provide the traders with equal protection throughout Northern Europe?

These special needs were, of course, not unique to Hanseatic merchants. Traders throughout Europe shared the same needs for protection and justice. With that in mind, it has been argued recently that a common sea

¹ Landwehr (2003) 143, 145. Landwehr's study offers the best overview of the development of Hanseatic sea law. As this work is not widely available, some of Landwehr's findings will be reproduced here, especially with regard to developments after 1500 which I have not studied myself. However, Landwehr's study is restricted mainly to the written laws and their contents. This paper will therefore add important new insights with regard to legal practice. Hanseatic law is also discussed in Jahnke (2007) and in O'Sullivan (2005). Furthermore of relevance are: Frankot (2004), reworked in Frankot (2012); Flandrischer Copiar; Goetze (1983); Wolter (1975).

law for the whole of Northern Europe existed, based on the *Rôles d'Oléron*. These customary sea laws from the west of Europe had been put in writing in French by at least 1286.² According to this theory, the statutes concerning maritime law which were drawn up by the Hanse from 1365 onwards were simply additions to, and amendments of, the *Rôles*.³ Maritime legal practice throughout Northern and Northwestern Europe was characterized by internationality and merchants and skippers throughout these regions could expect to be judged in the same way, irrespective of the court they attended.⁴ I would like to argue against this theory, because a thorough analysis of the sources of Northern European maritime law and legal practice leads to a different conclusion. In what follows, the written collections of sea law available in the Hanseatic towns and legal practice will be considered. This evidence will be compared to findings from other parts of North(west)ern Europe and it will then be suggested that there was no communality in the regulation of maritime trade throughout this region in the Middle Ages, despite the internationality of its subject matter. The Hanseatic experience in this matter followed wider European developments.

One of the main indications that the *Rôles d'Oléron* were not used throughout Northern Europe in the thirteenth and fourteenth centuries lies in the existence of myriad urban regulations and customary laws in this period, resulting in slightly varying rules being applied in different Hanseatic (and other European) towns. It is likely that before the first version of the *Rôles* began to circulate in written form, a small number of maritime regulations had been incorporated into the town law of Lübeck and a separate sea law may already have existed in Hamburg.⁵

The oldest surviving copy of Lübeck law (in Latin) dates from 1227. It includes one relevant article only, on flat boats. To this a number of other maritime regulations was added, to a total of eleven in the Low German versions of the law of the late thirteenth century. This town law was disseminated among Lübeck's daughter towns, such as Kiel, Stralsund, Elbing

² For the dating of the *Rôles d'Oléron*, see note 5.

³ Jahnke (2007) 64.

⁴ Jahnke (2007) 67.

⁵ According to Krieger the *Rôles d'Oléron* were recorded between 1224 and 1286, most likely closer to the latter date, if not in or shortly before 1286. Krieger (1970) 71. Other authors date the compilation earlier. See, for example, Ward (2009) 20. The term 'town law' in this study indicates a collection of customs, privileges and bylaws (*keur*, *Willkür*). Cf. G. Dilcher (1999) 613.

and Reval, whose burghers used Lübeck's town council as their *Oberhof* or court of appeal. By the fifteenth century many of the maritime and other regulations contained in these manuscripts had become outdated. Instead, the town council's own judgments were considered the main source of law and legal development.⁶ The regulations in the Lübeck Town Law were not revised until 1586.

In Hamburg a Latin town law was drawn up around 1225. The oldest surviving copy, however, is a Low German manuscript from Stade dated to 1279. It is based on the 1270 edition of the Hamburg laws produced by the notary Jordan of Boizenburg.⁷ A section on sea law was added to this edition shortly after 1279, of which the oldest extant copy is in a manuscript from Riga of 1294/7. In a 1301 version from Hamburg the section was extended further, to a total of twenty-eight articles.⁸ A sea law known as *scipseghelinge* had, however, already been referred to in a letter from Hamburg to Lübeck in 1259, suggesting that it existed separately from the town law until the final decades of the thirteenth century.⁹ A revised Hamburg Town Law was drawn up in 1497 by Dr Hermann Langenbeke, a lawyer who had been burgomaster of Hamburg since 1482. Langenbeke revised the section on sea law significantly, using other legal sources such as Roman law and the Dutch customary sea law known as the *Ordinancie*. As a result, Hamburg had the most systematic and modern sea law of the late Middle Ages.¹⁰ Another revision of the Hamburg laws was undertaken in 1603.

The thirteenth-century Hamburg Sea Law was used by the Lübeck Chancellor Albrecht von Bardewik for his compilation of a Lübeck Sea Law in 1299. This law is often referred to as *Jus maritimum in usum Osterlingorum* ('maritime law for the use of the *Osterlinges*'), but this

⁶ Wilhelm Ebel (Ebel (1971) 211) called the judgments the only and pure source of Lübeck law in the fourteenth and fifteenth centuries.

⁷ Reincke (1955) 88.

⁸ Bilderhandschrift 139–40. Jahnke has suggested that the maritime regulations in both the Lübeck and Hamburg laws remained 'relatively meagre' in the thirteenth century, to become more extensive in the fourteenth and fifteenth centuries, only culminating in a separate section on sea law in the 1497 Hamburg Town Law. Jahnke (2007) 45–6. The main developments in Hamburg law, in its written format, did, however, take place in the second half of the thirteenth century and early 1300s, when a separate section on sea law in the Hamburg laws came into existence. Little was changed to these maritime regulations until the 1497 revision. As will become clear below, a separate Lübeck Sea Law was created in 1299.

⁹ HUB 1 no. 538. For a discussion of the contents of this letter, see Frankot (2012) 126–8.

¹⁰ Frankot (2012) 23; Bilderhandschrift 144; Wolter (1975) 49–52.

title is an eighteenth-century addition.¹¹ The Lübeck Sea Law of 1299 consisted of forty-two articles, twelve of which were copied verbatim from the Hamburg laws. Other Hamburg regulations were adapted, replaced or supplemented. In addition, von Bardewik included a significant number of new articles.¹² The Hamburg Sea Law was also utilized by the town councils of Bremen and Oldenburg in the administration of maritime justice.¹³

Although the amount of maritime regulation in the Lübeck Town Law is remarkably small, and its contents in no way comprehensive for a trading town which was already one of the main Baltic entrepôts around 1250, there is no reason to assume that the regulations in the Lübeck Town Law were additions to the customs based on the *Rôles d'Oléron* which Lübeck skippers were already using, as Carsten Jahnke has done in his recent overview of Hanseatic law.¹⁴ Firstly there is no evidence that the town of Lübeck adopted the *Rôles* before the early sixteenth century, when the oldest extant Lübeck copy of the compilation known as *Waterrecht* (which included the Flemish/Dutch translation of the *Rôles* known as *Vonnesse van Damme*) was drawn up.¹⁵ If the customs recorded in the *Rôles* later in the thirteenth century had already spread to northern Germany by oral means in the early years of that century, then some trace would surely have appeared in the written record before the sixteenth century. It seems more likely that the Westphalian merchants who settled in Lübeck in the twelfth and thirteenth centuries, inexperienced in all matters maritime, would have looked to Hamburg for guidance, and communication between

¹¹ The title was first used in an edition of the law by J.C.H. Dreyer, a Lübeck syndic who published many of the town's laws in *De formula receptionis juris Lubecensis* (1751) and *Vermischte Abhandlungen* (1754). Jahnke uses the title for the Hamburg laws adopted by Riga, Lübeck, Bremen and Oldenburg. Jahnke (2007) 58.

¹² Frankot (2012) 128–34. Previously, authors have argued that the Hamburg law was adopted completely or largely in Lübeck: Wolter (1975) 30; Landwehr (2003) 97; Goetze (1983) 132; Jahnke (2007) 58; O'Sullivan (2005) 45, although earlier scholars have already pointed out apparent differences (in addition to clear similarities): *Stadtrechte Hamburgs* cxli–cxlv; Vogel (1905) 362.

¹³ Wolter (1975) 31–2.

¹⁴ Jahnke (2007) 58.

¹⁵ Jahnke (2007) 59, mentions, based on O'Sullivan (2005) 42, that the *Waterrecht* was used by the maritime courts in Lübeck (and Danzig). O'Sullivan, however, refers to Vogel (1905) 365, who in turn refers to Wagner (1882) 408, who only made a general assumption that the *Waterrecht* was used throughout Northern Europe, without providing any examples from legal practice, although he also stated that Lübeck apparently owned no copy of this collection. He does mention a copy from the second half of the fifteenth century of the *Vonnesse van Damme*, based on Hach (1839) 137 f.

Lübeck and Hamburg has been shown to have existed. Alternatively, the Westphalian merchants may have looked to Schleswig/Slesvig, where a town law including sea laws had been recorded around 1200.¹⁶

Secondly, the contents of the laws provide no particular reason to assume that the Lübeck or Hamburg laws were intended as supplements to the *Rôles d'Oléron*. In fact, the regulations drawn up in the *Rôles* are generally more detailed and also slightly more legally sophisticated on subjects like jettison and shipwreck, two of the most commonly regulated matters in sea law. For example, in cases of shipwreck the Lübeck laws only laid down that the merchants were obliged to give the skipper/shipowner half freight when the ship foundered.¹⁷ In the 1299 Lübeck Sea Law and the Hamburg sea laws the regulation was slightly more comprehensive and stipulated that if enough of the cargo was salvaged, the skipper would receive his freightage, but only on those goods that were salvaged.¹⁸ The *Rôles*, however, stated that as much cargo as possible should be saved when a shipwreck occurred. The saved goods would be returned to the merchants in exchange for payment of the freightage, which would be calculated *pro rata itineris* (relative to the part of the journey that had been completed). The shipmaster, if he so desired, could have the ship repaired, if this could be done swiftly, or he could hire another vessel to complete the voyage. The skipper would then receive his freight, but only on the salvaged goods.¹⁹ The differences between these regulations on shipwreck contradict the suggestion that the stipulations in Hamburg and Lübeck law were supplements to the *Rôles d'Oléron*. In fact, when another regulation concerning shipwreck was added to the Lübeck Town Law in the 1290s, after the *Rôles* had been compiled, it laid down that full freightage was due after a shipwreck, not freightage *pro rata itineris*.²⁰

That specific maritime laws developed in individual Northern European towns is further confirmed by evidence from other places, both Hanseatic and non-Hanseatic. As already mentioned, a manuscript of Hamburg town law dating from the late thirteenth century survives in Riga. This manuscript was used by Riga's town council to revise its own Town Law at the beginning of the fourteenth century. The revised Riga Town Law

¹⁶ Ebel (1971) 133 suggested that the Schleswig laws may have been adopted by Lübeck before it had formulated its own laws.

¹⁷ Norddeutsche Stadtrechte art. 107/133.

¹⁸ AHL, Hs 753 Copiarius art. 16. 1301 Hamburg Town Law art. 14.

¹⁹ *Rôles d'Oléron* art. 4.

²⁰ Norddeutsche Stadtrechte art. 230.

included not only regulations from Hamburg law, but also from older Riga laws and Lübeck law.²¹ This early fourteenth-century version included seventeen articles on sea law, to which an additional five were added during the fourteenth and fifteenth centuries.²² Some of the stipulations in these maritime regulations are unique to the Riga laws. The most remarkable one is the calculation of the merchants' contribution to the damages resulting from jettison. Contrary to most Northern European laws this calculation was based on the weight of the goods, not their value. The contribution of the skipper (with his ship) was estimated similarly.²³

Kampen, a Dutch town situated on the Zuiderzee and only (re)admitted to the Hanse in 1441, also created its own town law.²⁴ It developed separately from the laws discussed so far. The Kampen council started to draw up its laws in the early fourteenth century; the oldest extant regulation is from 1313. Two manuscripts of town law have survived from the late fourteenth and early fifteenth century, known as the *Boek van Rechte* and the *Gulden Boeck*.²⁵ Both collections have sections on sea law, consisting of twenty-one and thirty-nine articles respectively. Some of these articles contain regulations which are unique in Northern European maritime law.²⁶ With regard to jettison, for example, only a few of the sea laws took the freightage into account when calculating the skipper's contribution to the damages. Only the *Rôles d'Oléron*, the *Ordinancie* and the Kampen Town Law included the freight in such cases, but solely Kampen eventually came up with a (more or less) fair arrangement. This took into account that if a jettison was successful and the ship was saved, the skipper would nonetheless incur losses. He would receive freightage for the goods that were salvaged, but not for the cargo that was cast overboard. Initially, it was laid down in the Kampen laws that the skipper had to contribute both the value of his ship and his freight to the damages.²⁷

²¹ Frensdorff (1916) 60–5; Rigisches Stadtrecht xi–xiv. Jahnke erroneously names 1270 as the date of Riga's adoption of Hamburg's laws. Jahnke (2007) 58.

²² Landwehr (1985) 113.

²³ Frankot (2012) 39, 42–3. Older Scandinavian law may also have calculated this contribution after jettison according to the weight of the goods ('*na punttal*') or to the number of men involved ('*na mantal*'). Landwehr (1985) 25–6.

²⁴ The argument for (re)admission was that Kampen merchants had used Hanseatic privileges for some time and that the town was therefore Hanseatic.

²⁵ MAK, Oud Archief, no. 5 Dat Boeck van Recht dier stat van Campen; no. 6 Dat Gulden Boeck.

²⁶ Frankot (2012) 120–6.

²⁷ That is to say that in the calculation of the contribution of all the parties to compensating those who had suffered damage by reason of jettison, the skipper was required to

In 1407 a condition was added: freight would have to be paid for both the saved and the jettisoned goods. Since the skipper now incurred no losses as a result of a jettison, he would have to contribute both the ship and the freightage.²⁸

A trading partner of some Hanseatic members, especially Danzig and Stralsund, Aberdeen is provided here as an example of a fully non-Hanseatic town.²⁹ No manuscripts including maritime law have survived from Aberdeen, but several manuscripts including Scottish translations of the *Rôles d'Oléron* survive from elsewhere in Scotland. Since these copies are usually incorporated in collections of the main Scottish laws, we can assume that the *Rôles* were part of the central body of medieval Scots law. However, in legal practice, the Aberdeen courts passed judgments which were only occasionally in accordance with the *Rôles*. Instead, assizes of sworn men, consisting of merchants but also skippers or even helmsmen, 'found' judgments based on common sense. Particularly difficult lawsuits were referred to other courts, such as that of the burgh of Edinburgh or the Lords of Council.³⁰

The town of Danzig, finally, was possibly granted Lübeck law at its foundation, but this was replaced by Magdeburg law in 1294/5 by Duke Przemyslaw II. In 1346 the town received Kulm Town Law from the Teutonic Order. As these latter two laws did not include any maritime regulations, Danzig's town council recorded fifteen of its own judgments as precedents between 1425 and 1436.³¹ Some of these judgments were actually based on the *Waterrecht*, two copies of which Danzig had acquired

pay an amount proportionate to the value of his ship and freightage, while the merchants were required to pay an amount corresponding to the value of their goods.

²⁸ In the *Rôles d'Oléron* (art. 8) the skipper chose whether to contribute the ship or the freightage. According to the *Ordinancie* (art. 4), the merchants got to choose. For a more extensive discussion of this, see Frankot (2012) 39–42; Landwehr (1985) 52–3.

²⁹ Scotland's role in Hanseatic trade is not as well known as that of England, but commercial links with German towns already existed in the thirteenth century and were of vital importance to Robert the Bruce's war effort in the early fourteenth century. In the fifteenth century Scottish piracy resulted in two Hanseatic embargoes against the import of cloth made from Scottish wool (1412–15 and 1419–36). These were largely ineffective as some of Scotland's most important trading partners (Danzig, Stralsund and Hamburg) opposed and broke them, suggesting that trade with the Scottish ports was lucrative. Ditchburn (1988) 248–69, 373–4; Frankot (2004) 204–6. Aberdeen is the only Scottish town that can boast extensive fifteenth-century archives. Its legal practice was researched as part of my PhD thesis. A similarly detailed evaluation of an English town is, unfortunately, still lacking, though Ward (2009) has recently published a valuable analysis of the medieval English admiralty courts.

³⁰ Frankot (2012) 81, 157. See also Frankot (2010).

³¹ SAG, 300, R/Fq, 1 *Waterrecht*, 1407, 1425–1438, 1482, fols 17^r–25^v.

by 1429.³² Others clearly differ from the regulations in the *Waterrecht*, the most obvious being that in cases of shipwreck half freight was due when a vessel foundered within sight of the port of departure, full freight when it had ventured further out to sea.³³ This stipulation was unique to Danzig law.

As mentioned previously, the *Waterrecht* included not only the *Vonnesse van Damme*, but also the already discussed *Ordinancie*. The *Ordinancie*, like the *Vonnesse*, consisted of customs, probably recorded in the second half of the fourteenth century, and originated in the Zuiderzee area. It has been suggested that the *Ordinancie* was created as a supplement to the *Vonnesse van Damme* and was never meant to stand on its own.³⁴ However, in two manuscripts from the early fifteenth century the law is presented by itself. In addition, there is nothing in the text of the *Ordinancie* to indicate that it was written as a supplement and both laws for a large part regulate similar subjects. In fact, two of the articles of the *Ordinancie* were copied verbatim from the *Vonnesse*. If the text indeed was meant to supplement the *Vonnesse*, this would have been pointless. Moreover, the *Ordinancie* is a compilation of customs, as was already established, and it can therefore not be maintained that it was created as a supplement to another compilation. It is more likely that the compiler had access to a copy of the *Vonnesse* while drawing up the laws and included two of its articles, perhaps because they had recently been adopted in the Zuiderzee area or because the customs in both areas were very similar. Somewhere around this time, the *Vonnesse* and the *Ordinancie* began to be transmitted as a unit in manuscripts, perhaps in an effort to create a collection of sea laws valid in different parts of Western Europe. This collection was subsequently disseminated throughout Northern Europe in the fifteenth and sixteenth century.

Fifteenth-century copies are extant from the Low Countries, Hamburg (though only in privately produced copies), Danzig, Königsberg and Denmark. In three Danish manuscripts from the mid-fifteenth century, two Lübeck articles (from the fourteenth-century *Ordnung für Schiffer*

³² Two copies from 1407 and 1429 respectively are extant (SAG, 300, R/Fq, 1 *Waterrecht*, fols 29^r–50^v; SAG, 300, R/Fq, 2 *Waterrecht* 1429, 1431, 1447, fols 1^r–18^v), but a third may have been received after a request for another copy from Danzig to Wisby in 1447 (not 1477 as Jahnke (2007) note 163 (p. 60) states). SAG, 300, 27/4, fol. 259^r, letter from Danzig to Wisby (01.09.1447). See also Frankot (2012) 105–6.

³³ SAG, 300, R/Fq, 1 *Waterrecht*, fol. 17^r no. 2.

³⁴ Most recently O'Sullivan (2005) 41–2 and Jahnke (2007) 46, even suggesting that the *Ordinancie* survives solely in copies together with the *Vonnesse*.

und Schiffsleute and the Lübeck Town Law) were added at the end of the compilation. In another Danish manuscript from the second half of the fifteenth century, an additional thirteen articles were included from the same two sources and a fourteenth from an unknown source, all at the beginning of the text. In 1505, this compilation of Lübeck law, *Vonnesse van Damme* and *Ordinancie* was printed in Copenhagen and henceforth was known, incorrectly, as Gotland Sea Law. A very similar edition was printed in Amsterdam in 1532, while in 1537 an extended version, generally referred to as Visby Sea Law, was published in Lübeck.³⁵ Many editions followed in the next centuries.³⁶

It is remarkable that a compilation of thirteenth- and fourteenth-century laws continued to be disseminated for centuries after their original creation, in an era when developments in sea shipping and legal understanding made some of the medieval regulations obsolete. It is therefore unlikely that the thirteenth- and fourteenth-century laws were used in administering maritime justice in court. Instead they were probably studied and esteemed as a source of ancient regulations, as well as used by legal scholars producing updated laws. It is well-known that both the *Vonnesse* and the *Ordinancie* informed the 1497 revision of the Hamburg town law, some Hanseatic laws and ordinances from the late fifteenth to seventeenth centuries, and Dutch and Danish laws from the same period.³⁷ However, only the regulations unaffected by the developments in sea shipping were used, such as the care for mariners who had fallen ill and prohibitions of going ashore without permission. In legal practice, the Visby Sea Law would have been largely useless. Indeed, the very fact that the compilation remained substantially unchanged from the fourteenth century until well into the modern period is another argument against its general validity throughout Northern Europe. If the laws had continued to be used, they would have been updated on a regular basis, like the *Rôles* were to some extent in their region of origin (in France and England, though not in Scotland).³⁸ Instead of an up-to-date general sea law which was valid throughout Northern Europe, however, the same thirteenth- and

³⁵ The edition was based on a more extensive version of the *Ordinancie*. Two Lübeck manuscripts from the 1530s appear to be based on the 1532 Amsterdam edition.

³⁶ For a list of editions, see Wisby Stadslag xcv.

³⁷ Cf. for example Landwehr (2003) 41, 66; O'Sullivan (2005) 46.

³⁸ Articles were added to the *Rôles* in various versions of the text in France and England. Krieger (1970) 14–5; Schweitzer (2007) 16. In Scotland, however, the text remained unchanged after it had been translated, though two versions were copied together in the majority of manuscripts. Frankot (2012) 119–20.

fourteenth-century texts were used as sources of law in various ways in the Netherlands, Germany, Denmark and elsewhere, and by the Hanse in the late fifteenth to seventeenth centuries.

Because different legal codes were available in Hanseatic towns during the fourteenth and fifteenth centuries, the Hanse saw no need to draw up a general sea law to replace the existing regulations. The Hanseatic Diet also had no authority to implement any such law, or indeed any individual regulations. The Hanse was a loose federation of largely autonomous towns with their own laws and jurisdiction. Hanseatic statutes were only legally valid if and when they had been incorporated into the body of law of individual towns and proclaimed publically in the *bursprake* or similar local practices. Burghers of a town as a whole agreed to abide by this body of law by demonstrating no opposition to it on such occasions. In German legal terms this process is known as *Einung* or *Einungsrecht*.³⁹

It was the town councils, therefore, which decided whether a Hanseatic statute would become valid locally. The Hanseatic Diet was, of course, not completely powerless in pressing individual town councils to implement important regulations (it could, for instance, threaten to expel a town), but it could not force the towns to accept every single statute it enacted. As a result, the Hanse only drew up individual maritime regulations which generally concerned legal problems that had not, or not satisfactorily, been dealt with in existing maritime laws. The first of these was enacted in 1365, when the buying and selling of shipwrecked and robbed goods was prohibited.⁴⁰ Subsequently, increasingly more elaborate and comprehensive regulations were drawn up, which mainly focused on the relations between skipper and crew, while also covering subjects such as the duties of shipowners towards the Hanse with regard to trade, shipping and shipbuilding, the prohibition of shipping during winter months (*Winterlage*) and the responsibilities of the skipper towards his (fellow) shipowners. Such regulations can be found in the *Hanserecesse* of 1378, 1380, 1403, 1405, 1412, 1417, 1418, 1434, 1435, 1441 and 1447.⁴¹ The 1447 statutes included a total of twenty-five articles concerning maritime matters which were partly adopted from earlier *recesse*, with some changes, and

³⁹ Landwehr (2003) 30; Pitz (2001) 408–9; Frankot (2007) 166.

⁴⁰ HR I 1 no. 356 §§ 10; no. 374 § 12.

⁴¹ HR I 2 no. 156 § 23; no. 157 §§ 1–4. HR I 2 no. 220 §§ 18–19. HR I 5 no. 158 §§ 2–3. HR I 5 no. 225 § 7. HR I 6 no. 68 A. §§ 32–34, 40–43, 47–48; B. §§ 28–34, 44. HR I 6 no. 397 §§ 33–35, 109, 114–16; no. 398 §§ 14–23. HR I 6 no. 556 A. §§ 65–68; B. §§ 34–46; no. 557 §§ 20–32. HR II 1 no. 321 §§ 13, 20–22, 29–30. HR II 1 no. 396 §§ 1–6. HR II 2 no. 439 §§ 22–24, 30–31. HR II 3 no. 288 §§ 30–37, 40, 54, 55, 63–65, 79, 81–82, 88–95.

complemented with some important additions. Some of these articles were again repeated in the 1470 statutes.⁴²

Some of the articles of the 1447 (and earlier) statutes concerning maritime law made their way into legal practice, as they were applied several times in the second half of the fifteenth century, according to sources from Lübeck, Danzig and Reval. In 1471, for example, in a case concerning the payment of freightage after shipwreck, the Reval council decided in favour of the shipowners, in accordance with the rule laid down in the 1447 *Hanserecesse*.⁴³ In a letter to Wollin from 1459, Danzig emphasized that according to the privileges, *recesse* and statutes of the Hanseatic towns (*na inholdinge der henzestede privilegia, recesse und beslutunge*) skippers were allowed to salvage their own ship and goods.⁴⁴ In a letter of 1491 to Kolberg, Stettin, Greifswald and Stralsund, Danzig reminded them of the Hanseatic statutes and *recesse* regarding the trading with *zeedriftich* goods, jetsam, which had been bought and sold in these towns.⁴⁵

At other times the Hanseatic statutes were considered only partly relevant or disregarded altogether. In 1486, for example, in a case from Reval concerning the payment of freightage after a shipment of rye had been damaged in a storm, the Reval council decided that the merchants were liable to pay full freightage for the goods which had been salvaged and had remained unspoilt. Any damaged goods could be left ('abandoned') to the skipper instead of having to pay freightage for them. This was in accordance with article 93 of the 1447 statutes. The merchants appealed to the Lübeck *Oberhof* against this decision, as they considered the damage to the rye, which had been partly burnt, to have been caused by negligence on the part of the skipper. According to article 32 of the 1447 *recess*, the skipper was responsible for preventing the rye from overheating by shovelling it aboard the ship. The burning of the rye was a sign that this had not been properly done. The Reval and Lübeck courts treated the case as shipwreck, however, and the Lübeck *Oberhof* merely adjusted Reval's verdict in accordance with article 94 of the 1447 statutes, which the Reval court had not applied. According to this article, only half freight was due

⁴² HR II 6 no. 356 §§ 28, 31–33, 38–40, 42.

⁴³ '*Dat recesz van den gemenen hanse Steden int jar XLVII*. For example in LRU 4 no. 117b (formerly AHL, Altes Senatsarchiv Interna, Appellationen, Konv. 17, no. 174 (22.06.1471)) and no. 117a (AHL, Cod. Ord. Lub., no. 61 (18.10.1471)).

⁴⁴ SAG, 300, 27/6, fol. 119^r, Danzig to Wollin (20.05.1459).

⁴⁵ SAG, 300, 27/7, fols 52^r–53^r, Danzig to Kolberg, Stettin, Greifswald and Stralsund (24.12.1491).

when the ship had travelled less than half of the journey, instead of the full freightage stipulated by the Reval court.⁴⁶

In other cases of shipwreck dealt with at the urban courts, a variety of judgments was passed. In fact, the decisions made by the Lübeck court in the fifteenth century were not even uniform. In some cases a half freight rule appears to have been applied, whereas in others the Hanseatic statute laying down half freight for the first half of the journey and a freight *pro rata itineris* for the second half was brought into play. In Reval, however, the full-freight rule of the Lübeck Town Law was consistently applied and was, at least once, also confirmed by Lübeck as *Oberhof*. In Danzig the half-freight rule was enforced in 1425, but a few years later the new rule, which stipulated that full freight was due when a ship was out of sight of the port of departure, was laid down in the town's collections of judgments, although subsequent legal practice provides no evidence that this rule was ever applied. In the late fifteenth century the half-freight rule was clearly in use again. However, it is impossible to determine whether the rule applied was the one in which half freight is stipulated regardless of the distance travelled or the Hanseatic rule which stipulated half freight only when shipwreck occurred in the first half of the journey, since none of the cases specify when the shipwreck occurred. A judgment from Aberdeen laid down half freight, but left the possibility open that the Edinburgh court, which was considered more competent in maritime cases, could order full freight instead.⁴⁷ Similar divergences between both Hanseatic and non-Hanseatic towns were found in cases of jettison and ship collision.⁴⁸

Throughout the fifteenth century a variety of laws and regulations thus continued to be used by individual Hanseatic towns. This was a fact well known to town councils and merchants alike, as appears from a range of sources. In the Kampen Town Law, for example, a comment was added to one of its maritime regulations, stating that it was valid for ships arriving in Kampen, but that Kampen burghers could well be subjected to different regulations elsewhere: *Dit recht heb wi laten scrijven van scepen*

⁴⁶ LRU 4 no. 282b (formerly AHL, Altes Senatsarchiv Interna, Appellationen, Konv, 17 Fasc. 34 (06.03.1486)) and no. 282a (AHL, Cod. Ord. Lub., no. 239 (19.05.1486)).

⁴⁷ Frankot (2012) 177–8.

⁴⁸ Frankot (2012) 187, 194–5. The comparison with Aberdeen led me to conclude that more differences existed between Aberdeen and the other (Hanseatic) towns than between the Hanseatic towns themselves. This suggests that a separate Northwestern European tradition, based on the *Rôles d'Oléron*, may have existed. Further research is necessary in order to confirm this. Frankot (2012) 198, 200–1.

*de comen mit ghasten oft mit borgheren tot onser havene ende soe wanner sie comen tandern havenen in andern lande, dar nemen sie dat recht also daer zedelic ende woentlic is.*⁴⁹ Testimony from a Kampen witness in 1489 indicates that traders did indeed expect laws to be different in other parts of Northern Europe. According to this statement a discussion had arisen on board a ship stuck in a storm concerning *wat dat recht were van der bedevart* ('what the law was regarding pilgrimage'). Two of the men aboard had quoted the Kampen laws which, as did some other Northern European laws, allowed for the possibility of pledging a pilgrimage during a storm, in order to gain God's mercy and save the ship.⁵⁰ The costs of this pilgrimage were divided among the people involved in the shipping venture, in the same way that damages were claimed in cases of jettison.⁵¹ The skipper had subsequently replied, though, that he would abide by the law of the place where they would go ashore: *daer up wair wy landen wes dan tRecht dair van is, dat wyl ick gerne geven.*⁵²

Merchants can even be seen trying to make use of an *ad hoc* amalgam of the differing laws and jurisdictions in Northern Europe. In 1425 a skipper from Alt-Stettin, Merten Jawerk, loaded goods in Flanders which were to be brought to Riga by order of a burgomaster and some burghers from that town. The ship was wrecked near Gotland, but part of the cargo was salvaged and brought to Riga by alternative transport. Jawerk decided to present his case to a (non-Hanseatic) court in Visby, where a verdict was passed in accordance with the Visby Town Law. The merchants were held liable for half the freightage for the lost goods and full freightage for the goods that were salvaged. But when Jawerk subsequently went to Riga in order to demand his freightage in accordance with the Visby verdict, the merchants elected to be subjected to Riga law instead.⁵³ It is easy

⁴⁹ 'We have written this regulation regarding ships that come to our port with guests or with burghers [of Kampen] and when they come to other ports in other lands, they should abide by the law that is decent and customary there.' MAK, Oud Archief, no. 5 Dat Boeck van Rechte, fol. 17^v; no. 6 Dat Gulden Boeck, fols 21^r–21^v.

⁵⁰ Boeck van Rechte, art. 3; Gulden Boeck, art. 7. The subject was also regulated in the *Ordinance*, art. 4 (and as such in the Gotland Sea Law, art. 41 and Visby Sea Law, art. 38), the Hamburg Sea Law of 1497, art. 32 and the Riga Town Law, art. 18.

⁵¹ In fact, the amounts named do not correspond exactly to the extant laws, but this may be because the laws had been drawn up over a century earlier.

⁵² MAK, Rechterlijk Archief, no. 6 Liber Testium 1483–1493, fol. 129^v ([1489?]). The pledging of pilgrimages during storms was a common occurrence; cf. for example Fischer (1902) 241; Webb (2001) 184, Four Voyages 101, 109. I would like to thank David Ditchburn for providing me with these examples.

⁵³ HUB 6 no. 549, letter from Alt-Stettin to Riga (21.08.1425).

to understand why they preferred the application of Riga law. Like most Northern European laws, it only required merchants to pay freightage for salvaged goods and not for those that had been lost at sea.

Cases like this are rare, though, and there is little evidence from the fifteenth century which suggests that problems occurred on a regular basis when parties decided which court to attend, or which law to apply. In fact, conflicts about the choice of courts do not appear in the legal sources from Lübeck, Danzig, Reval, Kampen and Aberdeen at all, despite the fact that parties from different towns, including non-Hanseatic towns, were often involved in legal disputes.⁵⁴ In 1484, for example, a Staveren skipper appeared before the Lübeck court demanding payment of freightage from Lübeck merchants for transporting goods from Kampen to Bergen in Norway and back.⁵⁵ When a ship captained by an Amsterdam (and therefore non-Hanseatic) skipper and transporting cargo from three Kampen merchants was wrecked near Danzig in 1486, the matter was brought before the Danzig court.⁵⁶ Discussions regarding the application of different laws appear only twice in the sources, in addition to the already mentioned case from Alt-Stettin, namely in Lübeck and in Danzig.⁵⁷ In general, practical considerations dictated decisions as to where to take a case to court.⁵⁸ As far as can be established, it does not appear to have made a difference whether such a court was Hanseatic or not, or whether the parties were (or a mix of both).⁵⁹ As Carsten Jahnke has already rightly argued, a specifically Hanseatic trade never existed. Some, if not many, Hanseatic trading ventures involved people (either merchants, shipown-

⁵⁴ The sources of these five towns were analysed in my thesis: Frankot (2004), reworked in Frankot (2012).

⁵⁵ AHL, Altes Senatsarchief, Niederstadtbuch (Reinschrift) 1481–88, fol. 265^r (LRU 1 no. 321 (21.08.1484)).

⁵⁶ SAG, 300, D/20, no. 234, Amsterdam to Danzig (27.10.1486). Calendar in Bronnen no. 2823.

⁵⁷ LRU 4 no. 239 (AHL, Cod. Ord. Lub., no. 189 (10.10.1483)), SAG, 300, D/39, no. 57, Grand Master to Danzig (19.03.1435).

⁵⁸ Jahnke concluded that cases were brought to the court nearest to the place of a maritime accident (*'Tatortsprinzip'*). Jahnke (2007) 64. Some of the matters discussed here suggest that this was not necessarily the case. If merchants did not accompany their goods on the ship, they would not be present in court and a skipper would therefore sometimes be better advised to bring the matter to court in the place of residence of (the majority of) the merchants. This is clear in Jawerk's case from 1425 and it is the reason why the Staveren skipper brought his case to court in Lübeck in 1484.

⁵⁹ In a significant amount of cases the 'nationalities' of the parties cannot be determined, or only partly, because these are not mentioned. As the cases discussed show, Hanseatic traders made use of foreign courts and vice versa.

ers, skippers or sailors) from outside the Hanse.⁶⁰ Having to deal with different customs and uses was unavoidable in medieval sea trade, and merchants and skippers probably did not worry about bringing their disputes to court in foreign parts where, in general, they enjoyed the same right to a fair trial as indigenous traders. The special needs of merchants and skippers thus appear to have been satisfactorily catered for within the existing patchwork of laws and jurisdictions, and Hanseatic merchants and skippers would have had much the same experience as traders from elsewhere in Europe.⁶¹

Nonetheless, voices were occasionally heard within the Hanse requesting more firmly established and universally applicable rules of sea law. In 1476, for example, the London *Kontor* desired to procure a copy of a *Waterrecht*, which could be used to settle disputes between skippers and their crews.⁶² The Hanseatic representatives in Lübeck responded to this desire by referring the *Kontor* to the regulations laid down in 1447 and stated that the Hanse did not have an approved comprehensive law.⁶³ At this time, then, the representatives seemed unwilling to create a fixed body of laws and considered the statutes of 1447, combined with existing regulations, to be sufficient.⁶⁴

A few years later the need for comprehensive rules concerning the duties of sailors became more urgent when, in 1480, Hanseatic skippers gathered in Bergen op Zoom and complained about rebellious crews and called on the Hanse to address the issue.⁶⁵ In March 1481 these complaints were forwarded to some of the main Hanseatic towns by the Bruges *Kontor* and in September of that year were discussed at a meeting of the Wendish

⁶⁰ Jahnke (2007) 63.

⁶¹ For a more extensive discussion of this, see Frankot (2007) 164–8. As will be noted, I disagree with Jahnke's conclusion that because of the internationality of business ventures, which were not restricted to Hanseatic towns, the administration of maritime justice must have been based on a common source throughout Northern Europe. Jahnke (2007) 65. See Ogilvie (2011) 265–6 with regards to 'merchant law' which did not exist in a universally accepted form, and varied from one locality to the next.

⁶² HUB 10 no. 477 § 5. HR II 7 no. 338 §194, 203. Goetze (1983) 138.

⁶³ HR II 7 no. 388 § 203.5.

⁶⁴ A good illustration for the argument that the Hanseatic statutes were used in addition to customary sea laws in the Hanseatic region is the 'Flandrischer Copiar Nr. 9', now in the Lübeck archives, which was drawn up between 1485 and 1509. It includes the relevant articles of the *Hanserecesse* of 1434, 1441 and 1447, the *Ordinancie*, the *Vonnesse van Damme*, the 1482 *Schifferordnung* and some miscellaneous texts concerning maritime matters. The texts have recently been edited and discussed in Flandrischer Copiar.

⁶⁵ HR III 1 no. 318.

towns.⁶⁶ A draft for a *Schifferordnung* drawn up by Lübeck was accepted by the Diet of these towns and was subsequently sent to Danzig for approval.⁶⁷ After a few amendments, the *Schifferordnung* was enacted at another Wendish meeting on 21 April 1482.⁶⁸ This first distinctly separate maritime ordinance created by the Hanse concerned the legal relations between skipper and crew and is a summary of all the corresponding regulations that had already been valid in Hanseatic shipping for about a century.⁶⁹ The few novelties concerned the punishment of sailors.⁷⁰

The way in which the *Schifferordnung* was enacted is remarkable, as has already been pointed out by Landwehr.⁷¹ The ordinance was not confirmed by the general Hanseatic Diet, but by that of the Wendish towns. The only other town involved was Danzig. This can be explained by the fact that the ordinance concerned the Hanseatic ports only. The Wendish towns saw themselves as representatives of the sea towns of the Hanse and therefore assumed (and were ascribed) competence with regard to maritime matters.⁷² Danzig was the head and representative of the Prussian towns under Polish suzerainty and as such added authority to the enactment.

The 1482 *Schifferordnung* was the first in a series of similar ordinances, which became increasingly more comprehensive when regulations concerning the relations between skippers and shipowners, and those amongst shipowners, were slowly incorporated.⁷³ A second *Schifferordnung* was drawn up in 1530.⁷⁴ This ordinance was still not intended to be comprehensive, as was indicated by its final article, where it was laid down that skippers and crew were to abide not only by the regulations in the ordinance, but also by the contents of the sea law (art. 31).⁷⁵ Thus the Hanse clearly stated that its statutes only complemented the sea laws already in

⁶⁶ HR III 1 no. 317 (31.03.1481).

⁶⁷ HUB 10 no. 927.

⁶⁸ HR III 1 no. 365.

⁶⁹ Landwehr (2003) 40.

⁷⁰ For an extensive discussion of the development of Hanseatic laws in regard to sailors' transgressions, see O'Sullivan (2005).

⁷¹ Landwehr (2003) 35–36.

⁷² In this capacity they referred to themselves as '*nuncii consulares civitatum maritimarum de hanze*'. HR I 5 no. 163 (06.12.1403).

⁷³ Landwehr (2003) 43.

⁷⁴ HR III 9 no. 593. In 1542 Lübeck drew up its own *Schifferordnung*, which was an extended version of the 1530 Hanseatic ordinance and even included the same foreword.

⁷⁵ '*dat sick ein ider schipper und schipeskind holde und schicke na lude und inholt der zeerechte*'.

existence and, as such, more or less echoed its statement of 1476 that it did not have a comprehensive sea law. The Hanseatic towns were apparently still content with the existence of various collections of local laws, customs and ordinances which suggests that, in practice, this system must have functioned satisfactorily.

However, the enactment of another *Schifferordnung* and the creation of a general or common sea law was finally put on the agenda of the general Hanseatic Diet by the Wendish towns in 1572.⁷⁶ With regard to the *Schifferordnung*, another ordinance was drafted and accepted by the Diet and an emended version was published in 1576. As for a common sea law, the 1572 Diet charged the Hanseatic syndic, Dr Heinrich Sudermann, to draft a sea law. Sudermann was too burdened with other tasks, though, and did not have any particular expertise in maritime law, which is why nothing ensued during his term in office.

In 1591 the creation of another *Schifferordnung* was considered urgent, as skippers and their crews appeared to grow increasingly more rebellious and dishonest. Another ordinance was produced that included all the articles of the previous enactment as well as some from the 1482 *Schifferordnung* and a few new additions.⁷⁷ Despite the repeated call for a more comprehensive law, some important issues were still not dealt with in this 1591 ordinance. The most significant omissions were regulations concerning freightage, general average, shipwreck and ship collision. In these matters, local customs and customary sea laws were still valid.⁷⁸ The appointment of Sudermann in 1572 did, however, indicate that the Hanseatic representatives considered the creation of a Hanseatic sea law to be of some importance. This decision fits in with a general development in this period towards more systematically ordered and comprehensive sea laws. These were produced as a result of changes in the shipping business, which called for more sophisticated regulations, and the appearance of increasingly large crews, which necessitated stricter disciplinary rules. This development had been kickstarted in Northern Europe by the ordinances for Dutch shipping promulgated by Charles V and Philip II in 1551 and 1563. Regulations from the former had been included in the 1561 Danish Sea Law and eventually made it into Hanseatic law. The Hanseatic Sea Law was finally drafted by the newly appointed syndic, Dr Johannes

⁷⁶ *Inventare Hansischer Archive* I, 2, Anh. Nr. 1, 339, art. 28, as cited by Landwehr (2003) 49.

⁷⁷ Landwehr (2003) 49–53.

⁷⁸ Landwehr (2003) 56.

Doman, between 1605 and 1611. After careful deliberation and lengthy negotiations between Lübeck, Hamburg and Danzig, the text was finally passed by the Hanseatic Diet on 23 May 1614.⁷⁹

The last section of this text laid down that the 1614 sea law, like the statutes and regulations before, had been decided upon by the Hanseatic towns and that these towns had a mutual duty to abide by it. As such, the law was not directly valid for all Hanseatic burghers (although that is suggested in the preamble) but only through their individual town councils.⁸⁰ Thus, like all earlier statutes and ordinances, the Hanseatic Sea Law had to be incorporated into the individual town laws in order to gain validity. But, as before, the degree of adoption varied between the towns, even between those that had been closely involved in its creation. In Lübeck, for example, the text was utilized as the primary source of law, which superseded Lübeck Town Law, whereas in Hamburg it was only used as a subsidiary law to complement the 1603 Hamburg Town Law.⁸¹

So, despite the fact that a comprehensive Hanseatic sea law had finally come into existence in the early seventeenth century, little changed in practice. The towns that remained part of the Hanse continued to sail their own course in the administration of maritime justice, and a variety of sea laws, though more nationally than locally or regionally valid, remained in force throughout Northern Europe. In its 350-year history, then, the development of a Hanseatic sea law went, in theory, from diversity in the use of a myriad of local regulations and customary laws, to unity in the enactment of a common maritime law. In practice, however, the Hanseatic towns remained united in the diversity of their sea law.

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⁷⁹ Landwehr (2003) 57, 69–70.

⁸⁰ Landwehr (2003) 72–3.

⁸¹ Landwehr (2003) 78.

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SALE OF GOODS AROUND THE BALTIC SEA IN THE MIDDLE AGES

Sofia Gustafsson

Trade was often subjected to extensive regulation in medieval towns. Most town laws contained rules about where and when it was allowed to trade, as well as how a purchase was to be carried out. However, comparisons reveal that the regulations were different in all town laws, to a major or minor extent. In this article, I will discuss the meaning of similarities and differences between laws, using a comparison of regulations concerning sale of goods in Northern Europe as foundation.

I. Influence between Laws

The Baltic Sea was seething with activity in the Middle Ages. In the towns along its coasts, Russians, Swedes, Finns, Danes, Germans, Slavs, Englishmen, Hollanders, and Zealanders exchanged goods, news, and ideas. Trade and the collaboration between merchants contributed to a significant integration of the area. Representatives of towns belonging to the Hanse gathered to discuss common problems. However, the Hanse had no power to legislate or enforce its decisions on member towns. Statutes were issued in the Hanseatic Diet, but it was up to each individual town to determine whether it wanted to integrate them with its own bylaws.¹

All towns of medieval Europe had different prerequisites and conditions. Their size, independence and social stratification varied depending on natural resources and power relations in the area. Their geographical location affected which trades and crafts were successful in that particular place. But despite all the differences, they had an identity as being towns, which singled them out from the surrounding country.

A consequence of this was that all towns in Northern Europe, irrespective of their location, came to adopt a common basic structure. In my research, I compared the constitutional arrangements and political culture in English, German, Danish and Swedish medieval towns. I highlighted the general similarities and analysed the differences. My general

¹ Frankot (2007) 155, 166; Pitz (2001) 408–9.

conclusion was that the towns were highly influenced by general ideas on how to govern a town and adapted them to fit local conditions.² Is this a controversial statement? Looking at scholarship over the last century, the answer would have to be yes. The general explanation on why a town resembled another town is that one of the towns was influenced by the other. Merchants from town A implemented their way of doing things on town B, either by force or by free will.

According to my hypothesis, development was not dependent on the direct transmission from one town to the next, but was based on general, widespread ideas on how to rule a town which were altered to fit local conditions. This meant that the administration in two towns hundreds of miles apart not only could resemble each other, but actually be more similar than two neighboring towns. According to the traditional perspective, innovations arose in one important centre, which then spread like rings on water further and further out in the periphery. According to my hypothesis, innovations could, theoretically speaking, arise like swamps in the ground. What was needed in order for an innovation to be implemented was a general knowledge about it, a local need for it, and prerequisites like a benevolent town lord and economic means. It was, however, not dependent on the direct transmission from another town. In my opinion, it is more fruitful to talk about a common North European town culture in the Middle Ages than to focus on the influence of one town on another.

What happens if one applies this way of looking at dissemination of ideas on medieval town laws? This is a field of research which has been extraordinary occupied with explaining this phenomenon in terms of centre and periphery. Since the nineteenth century, legal historians, especially in Germany, have tried to find links between different laws and work out development and dissemination of laws. This research has occasionally been criticized,³ but similarities between laws are still often explained in terms of direct transmission between mother town and daughter town, without contextualization. One example is the dissertation by Stefan

² Gustafsson (2006); Gustafsson (2011). In my dissertation, I studied the emergence of town councils, the number of council members and mayors, the rotation of offices and functions of the towns' overlords, bailiffs, councils, mayors and chamberlains. I compared how the councils expressed their group cohesiveness and power in the town and how they defined the border between themselves and the town population. I also examined the expectations the town populations placed on the officials, and the political interaction between council and town population in different towns.

³ See for example Dusil (2008).

Ullrich, published in 2008, comparing sales law in the medieval urban codified law of Sweden, Norway, Visby and Lübeck.⁴ His aim is to investigate how the Lübeck law had influenced the Scandinavian laws. Note that the operative word is 'how', not 'if'. Ullrich takes it for granted that Lübeck law influenced Scandinavian legal systems. He does not even consider if there might have been any influence from other laws. He also takes it for granted that the Scandinavian laws only can have influenced each other.

Ullrich's assumption about the influence of Lübeck law rests on a long tradition, and the only reason his work is particularly criticized in this article is because he is the most recent scholar who have dealt with sale of goods in Northern Europe. He should, however, mainly be understood as a representative of a general and established understanding of influence. Lübeck has often been depicted as the model for towns around the Baltic Sea, even in areas where there is nothing in the sources to indicate that the town had any such function.⁵ In fact, Swedish towns resembled other German towns more than Lübeck. Where there were similarities, they were general similarities shared with most towns in Northern Europe.⁶

For the towns that adopted Lübeck law, Lübeck of course was a legal model. The council of Lübeck functioned—directly or indirectly—as their superior court, to which they turned when difficult cases came up. About a hundred towns used Lübeck law at some point during the Middle Ages, from Narva in the east to Wismar in the west. Its oldest parts were written down between 1230 and 1263 and comprised some ninety rules. Codices from the late thirteenth century contained up to 250 rules.⁷

Did the Lübeck law influence other legal systems in the Baltic Area? German legal historians have long been convinced that this was so, notably in the case of Scandinavian legal systems, particularly the Swedish town law, even though they have not come up with more than a few examples.⁸ The Swedish town law was created in the 1350s during the reign of king Magnus Eriksson and it became the most widespread town law in Scandinavia. It was intended to apply in all towns within the Swedish kingdom, which in the Middle Ages included Finland, but excluded the most southern parts of present-day Sweden.⁹

⁴ Ullrich (2008).

⁵ Hammel-Kiesow (1995).

⁶ Gustafsson (2006) 221–2.

⁷ Ebel (1971) 27–8, 194–216; Hammel-Kiesow (2005) 15–7, 20.

⁸ Ebel (1965); Ullrich (2008) 17.

⁹ Gustafsson (2006) 13, 25.

Does the fact that the Lübeck law was older than the Scandinavian legal systems and valid in many towns force us to conclude that the Lübeck law influenced the Scandinavian legal systems? Of course not, but it is definitely worth asking the question whether it did or not.

A general comparison between the Lübeck law and the Swedish town law shows that there were significant differences between them. The Swedish town law, which is almost a century younger, is, to begin with, more than three times as extensive as the Lübeck law (by simple word count). It also has a more rational structure. Like all surviving medieval Swedish laws, it was divided into sections called 'balkar', collecting rules about the same field of law under subheadings and paragraphs. Moreover, forty percent of the rules in the Lübeck law regulated problems that were not even touched on in Swedish town law. On the other hand, in certain fields of law, Swedish town law regulated similar subjects in more detail than Lübeck, for example family law (both contained rules about inheritance and marriage), whilst the Lübeck law barely contained any criminal law.¹⁰ Overall, only about thirty percent of the rules in Swedish town law are similar enough to make comparison with comparable rules in the Lübeck law permissible.

The Swedish town law was more extensive than the Lübeck law, although there is no reason to presume that town life was more advanced in Stockholm than in Lübeck. The case was rather the opposite. Codified Lübeck law from the thirteenth century remained in force until the publication of a revised code in 1586. In the meantime, the council of Lübeck apparently did well without an updated written law. Therefore, as Edda Frankot has pointed out, the only true sources for Lübeck law in the late Middle Ages are judgments of the town council (i.e. case law) and the Hanseatic statutes.¹¹ What the Middle Ages regarded as Lübeck law was surely considerably more than the content of the written codices. Since so much case law has been lost, comparisons are problematic. While historians have no alternative but to rely on the surviving texts, they need to be wary of treating what survives as representative of what once existed.

Overall, Lübeck law had little in common with Swedish town law, but this does not rule out the possibility of similarities between individual regulations, although seventy-five percent of commercial regulations in the

¹⁰ Gustafsson (2009) 136–7. This comparison is based on the edition of the codex of Kolberg, dated 1297, and an edition of the codex used by the council in Stockholm, dated to the first half of the fifteenth century.

¹¹ Frankot (2004) 90, 102; see also Frankot (2012).

Swedish town law dealt with problems which the Lübeck law had not regulated.¹² Nevertheless, there were problems concerning trade which were regulated both in the Lübeck law and in the Swedish town law, such as how to deal with shoddy goods and who could trade when and where.

I would like to discuss the question of influence between laws by looking at sales contracts: What made a sales contract valid? When, if ever, was it possible to rescind a sales contract?

According to Ullrich and other scholars, it is likely that itinerant merchants were involved when the laws were written down.¹³ One would think that they would have strived mightily for legal uniformity within their trading area. However, maritime law was far from uniform.¹⁴ If that was so in maritime law, which was arguably the part of the law which would be most international in character, then it was perhaps even more in other fields of law.

Were there common rules about sale of goods in the towns around the Baltic Sea? Did any legal system clearly influence the others?

II. *Making a Purchase*

Sales contracts were regulated by rules and customs regarding validity and enforcement. Starting with validity, mere agreement between the contracting parties did not suffice to make a sales contract binding.¹⁵ While there was no requirement that a sales contract be drawn up in written form or registered officially, every town law required some form of symbolic act. The two most commonly occurring terms for such symbolic actions within the Hanseatic area are *winkop* (purchase with wine) and *gottespfennig* (God's penny). These were probably mainly used to confirm a sales contract prior to payment, that is to say they represented an earnest of intent.¹⁶

Let us start by comparing the legal systems of Lübeck, Swedish and Norwegian town law and Visby town law on this point. Codified Lübeck law contains just one short regulation about transactions. It states that, if one party gave another a *hilegen geystes penninc* on a sales contract, it

¹² Gustafsson (2009) 136–7.

¹³ Ullrich (2008) 146.

¹⁴ Frankot (2004) 61, 242; see also Frankot (2012).

¹⁵ Conze (1889) 22–5.

¹⁶ Conze (1889) 28–9. A source from Parchim from 1589 however claims that God's penny should be given also when the purchase was fulfilled. Conze (1889) 26.

would be just as valid as a *litkop*. While parties could return or take back the 'God's penny' and thereby rescind the contract before they parted company, after that it was too late and the contract was binding.¹⁷ The law does not enlighten us about what a *litkop* or a *hilegen geystes penninc* was, nor does it give any details about their precise meaning in law. It does not state whether the one was more common than the other, or if other symbolic acts were permitted. These terms do, however, probably correspond to the more common terms *winkop* and *gottespfennig*.¹⁸ We will soon come back to these two common symbolic acts. The only thing we can conclude from the short regulation in the Lübeck law is that both *winkop* and *gottespfennig* probably existed in the towns that used Lübeck law, and that they had some sort of binding effect on sales contracts.

Ullrich claims that Visby town law was clearly influenced by this rule in the Lübeck law.¹⁹ In my opinion, this is not at all obvious. Visby town law, from the middle of the fourteenth century, makes no mention of *litkop* at all, but posits the *gottespfennig* as the sole symbolic legal act required by a sales contract. It states that the purchaser should inspect the goods beforehand, but that once the *goddes penning* was given and the parties departed from one another, the sales contract was binding. If conflicts arose concerning sales contracts, it was up to the town council to resolve the dispute.²⁰

While the Lübeck law only mentioned *hilegen geystes pennig* as a possibility, the *goddes penning* was an integral part of all sales contracts in Visby town law. The only similarity between these laws is that they viewed sales contracts as binding once the parties took leave from one another.

The Swedish town law, which is the most detailed and comprehensive of the town laws and, as mentioned, was written down in the middle of the fourteenth century, begins its sales regulations with the rule that all transactions should be made in the presence of two witnesses and confirmed with *upslaghi* (handshake) or *fästepäninge* (confirming penny).²¹ One of these two symbolic acts should mark the closing of the sales contract, which would otherwise have been considered invalid. Neither *winkop* or *gottespfennig* was mentioned here. Ullrich equates *fästepäninge* with

¹⁷ LL 105 no. 80.

¹⁸ Schiller-Lübben II, 128, V, 728–9.

¹⁹ Ullrich (2008) 152.

²⁰ VStL 101 no. 35.

²¹ MESTL 114 no. I.

gottespfennig, and purports to deduce an influence on the Swedish town law from the laws of Lübeck and Visby.²²

The fourth legal system studied by Ullrich, the Norwegian town law, which first was introduced in Bergen in 1276, states that sales contracts should be closed with a handshake. Ullrich establishes that while the Lübeck law did not influence Norwegian town law, the Norwegian town law did influence the Swedish town law, since it, too, mentions a handshake as a symbolic act to make a sales contract binding.²³

These four legal systems all had different rules, and the situation for the merchant looks, to say the least, confused. Efforts to establish the links between the laws has led to the conclusion that Lübeck law influenced the town laws of Sweden and Visby, while Norway's town law is viewed as a peculiarity, which to some extent influenced the Swedish town law. My view is that it is all too easy to draw faulty conclusions when one is determined to see a unidirectional diffusion of law. I would like to widen the horizon a bit and discuss the question from another angle.

Let us start with the Norwegian law, which prescribed a handshake instead of payment of a *gottespfennig* as the legally binding symbolic act. A handshake was also mentioned in the law of Copenhagen (whose oldest surviving codex is dated 1294) as a way of confirming a purchase, and it also occurred in southern Germany, according to Conze.²⁴ A handshake was a common legally binding symbolic act in agreements like engagements and land purchase in older Scandinavian land laws and can be presumed to be an old custom.²⁵ In the Swedish land law, which originates from about the same time as the town law, i.e. around the middle of the fourteenth century, the handshake was mentioned as the decisive moment when the sales contract became binding regarding sale of articles of great value like jewellery, weapons and textiles.²⁶ It is, in other words, far from obvious that the only conceivable reason the Swedish town law mentioned a handshake was because it was influenced by the Norwegian town law.

Swedish town law was the only one of these four legal systems to require the presence of witnesses when sales contracts were made. Witness of sale and many rules regarding this could however also be found in the Swedish

²² Ullrich (2008) 152.

²³ Ullrich (2008) 84–5, 149, 155–6.

²⁴ Conze (1889) 41; DGKL 3: 73 no. 104.

²⁵ Arnorsdóttir (2001) 180, 183; Amira (1895) 290–2; DRW Suchwort: handschlag.

²⁶ MELL 271 no. XIV.

land law and in older Swedish provincial laws from the second half of the thirteenth century onwards. The archaic language of some of these laws indicates that the rules were even older than that.²⁷

Requiring the presence of witnesses was unusual in urban legal codes in Germany, but it did occur in Danish sources, for example in the law of Copenhagen. Here, a person who closed a sales contract without witnesses should pay three marks to the king.²⁸ On the other hand, it was rather common in German sources in connection with the so called *winkop*, which we already have encountered in the Lübeck law (alternatively *littkop* as it for example was called in the Lübeck law and in the Danish laws). The *winkop* meant, at least originally, that the parties to a transaction drank wine in the presence of witnesses.²⁹ The laws of Slesvig/Schleswig and Flensburg for example, mentioned statements by the men who drank the *lith köp*.³⁰

The custom was far from limited to sales of goods on the market. *Littkop* was also drunk when ships were chartered, according to older Danish laws.³¹ *Winkop* also appears in sources in connection with engagements and admittance to guilds.³² Franz Beyerle points to the early use of *winkop* in real estate transactions in Cologne, which was always required irrespective of whether payment was to be made immediately or later, or if it was a swap. According to Beyerle, the wine was given to the witnesses by the buyer.³³ Scholars agree that the meaning of *winkop* changed during the Middle Ages. The witnesses were still present, but instead of beverages, money was handed over. The men who received the *winkop* were just witnesses. According to Friedrich Conze, and later Ullrich, it was the witnesses who made the *winkop* legally binding.³⁴

This was not the case in Sweden. The Swedish town law stated that a sales contract made without a *fästepäninge* or a handshake could be

²⁷ MELL 152 no. I, 156 no. 3, 271–3 no. XIV–XX; UL 151 no. V:3. The town scribe in Stockholm, Olaus Petri, complained, in around 1530, that the rule about two sales witnesses was not enforced, and therefore there were many conflicts about trade, Petri 332.

²⁸ DGKL 1: 72 no. 100.

²⁹ Schiller-Lübben V, 728 (*winkop*); HRG (2009): Gottespfennig, Gottesheller; HRG (2009): Geschäftszeugen.

³⁰ DGKL 1: 31 no. 67, 119 no. 39. Compare Beyerle (1934) 256–7; Conze (1889) 40.

³¹ See for example DGKL 1: 274 no 32 (Haderslev) and 127 no 83 (Flensburg).

³² Schiller-Lübben V, 728–9.

³³ Beyerle (1934) 262.

³⁴ Conze (1889) 37–41; Ullrich (2008) 153.

cancelled,³⁵ even if witnesses had been present. It was thus not the witnesses but the symbolic act that made it legally binding.³⁶

Even if German town laws did not require the presence of witnesses when closing a sales contract, it might have been a custom that witnesses were present. When mentioning *winkop*, it was understood that witnesses should be present at the purchase. That some Swedish, Danish and English laws required witnesses instead of *winkop* was perhaps only a matter of formulation. The laws that required witnesses to sales contracts all viewed them as witnessing the handing over of a penny of one sort or another. In practice, this might have been the same thing as the *winkop* without wine. Because of the scarcity of the sources, we will never be able to know for certain.

It is possible that witnesses, besides the case of *winkop*, also were present in connection with other symbolic acts that marked a purchase. The statutes of Ribe from 1252, for example, required the presence of two good resident men as witnesses when the *gottespfennig* was handed over.³⁷

We have encountered the *gottespfennig* in the Lübeck law and in the Visby town law, as well as *fästepäninge* in the Swedish town law. There were exceptions, such as the Norwegian town law, but in most town laws, some sort of penny was handed over when making a purchase, either independent from or as an alternative to *winkop*. Different terms occurred in the sources, e.g. *gottespfennig*, *fästepenning*, *Vredeschilling*, *denarius dei*, and *hilegen geystes penningen*. According to Conze, the *gottespfennig* was a North European phenomenon, typical of the Hanse, which occurred in German as well as in Flemish, French, English and Scandinavian commercial emporia.³⁸ The sources mention both *gottespfennig* and *winkop*, thus showing that they had legal significance when closing a sales contract, but they do not give us much information about their meaning. Sometimes only one symbolic act is mentioned and sometimes both.

What *gottespfennig* really was is unclear. Scholars seem to agree on that from the beginning it was a symbolic sum given to the church or to the poor.³⁹ Beyerle interpreted this as a parallel development to the guilds.⁴⁰ Gradually, during and after the Middle Ages, it developed into something

³⁵ This is formulated in the law as *wari atergörande*. The text is vague, but it probably means that it could be challenged subsequently.

³⁶ MESTL 114 no. I.

³⁷ Conze (1889) 32.

³⁸ Conze (1889) 28, 31, 50.

³⁹ BjR 473 no. 2; Conze (1889) 28; Ullrich (2008) 153.

⁴⁰ Beyerle (1934) 272–6.

similar to the *arrha* in Roman law, which had the meaning of down payment. It only worked as reinforcement which did not serve to make a sales contract legally binding.⁴¹

Since the *winkop* in reality meant that a sum of money was given, the difference between *winkop* and *gottespfennig* perhaps was not all that significant. Can they be considered to have been the same thing in practice during the late Middle Ages? Probably not. Some sources make a clear distinction between the two different symbolic acts, for example the law of Slesvig/Schleswig.⁴²

The *gottespfennig* probably developed later than the *winkop*, as was indicated by the Lübeck law.⁴³ Ullrich is of the opinion that the *gottespfennig* replaced *winkop* as a symbolic legal act in the course of the Middle Ages. As evidence of this, he points to the fact that *winkop* existed in older laws, such as the Lübeck law and an older Swedish town law (Björköarätten), from the second half of the thirteenth century, but not in the younger laws from Sweden and Visby.⁴⁴

I agree with Conze and Ullrich that the medieval sources demonstrate that giving a *gottespfennig* made a sales contract legally binding, and was not just used as a reinforcement. The *gottespfennig* could replace other legally binding actions. However, Ullrich goes too far in claiming that the *gottespfennig* was a necessary component in all purchases. This is, in my opinion, an over-interpretation of the sources.⁴⁵

In the Swedish town law, the buyer was obliged to make *fridskilling* (no further definition of the term was provided) in the town hall when buying real estate. The book of property in Stockholm (preserved from 1420) shows that this was in fact still being done, but the sources do not say how much money was involved. The *fridskilling* was handed over after the transaction was carried out and everything was paid.⁴⁶ *Vredeschilling* also appears in German medieval sources when real property was conveyed.⁴⁷

The laws meant different things when using the terms *gottespfennig* and *fästepäninge*. Sometimes they were symbolic acts which made a sales

⁴¹ Conze (1889) 33–4; HRG (2009): Gottespfennig, Gottesheller; Ullrich (2008) 151.

⁴² DGKL 1: 31 no. 67. The oldest codex of the law of Slesvig/Schleswig dates from the first half of the thirteenth century.

⁴³ LL 105 no. 80. Compare Conze (1889) 39.

⁴⁴ Ullrich (2008) 153. *Winkop* was, however, still in use in the early modern period, see for example Goldgar (2007) 209–10.

⁴⁵ Conze (1889) 29–31; Ullrich (2008) 150–1.

⁴⁶ MESTL 73 no. VI, Sjb.

⁴⁷ DRW Suchwort: Friedschilling.

contract legally binding and obliged the buyer to make payment subsequently, and sometimes they were symbolic acts which demonstrated that the sale had been completed and that both sides were content. Sometimes they were used in the sense of a down payment. This was perhaps the case in the Swedish Bjärköarätten which implies that there was a difference between *gozpäningar* and *fästipäninger*, where the first was a symbolic legal act and the second a down payment to the seller.⁴⁸ The law of Flensburg also indicates that different symbolic acts were of different value. It implies that witnesses were not required if *fæstæ penning* had been paid, but only at *winkop* without *fæstæ penning*.⁴⁹

My point is that differences between laws can derive from the fact that they regulated different things. In practice, there can have been more similarities than there appear to be when reading the laws. Attempting to establish how laws influenced each other can lead to an infelicitous over-interpretation of the sources. Given the nature of the sources it is not justified to claim direct influence of the very short and laconic regulations in the Lübeck law on Scandinavian town laws. As I see it, there is nothing in the sources that contradicts the notion that within a common legal culture, all towns arrived at their own solutions for common problems, thus introducing a certain breadth of variation. This actually fits the sources better.

III. *The Right to Cancel a Purchase*

When studying medieval legal systems, one has to bear in mind that they regulated different kinds of trade. Legal requirements varied depending on whether commerce was retail or wholesale and if payment was to be effected immediately (swap) or at a later date (spot/forward). Particular problems could arise if a representative of the buyer carried out the transaction, where the buyer had no possibility to view the goods until later.

There were officials in every town whose duty it was to inspect trade and crafts. One of their main tasks was to view goods before they reached the market.⁵⁰ According to the by-laws of Stockholm (*bursprak*) from the second half of the fifteenth century, it was the responsibility of the buyer to let the inspector (*wrakere*) check goods such as fish, wood, tar and flax

⁴⁸ BjR 473 no. 2.

⁴⁹ DGKL 1: 119 no. 39.

⁵⁰ Conze (1889) 86–91; Gustafsson (2006) 99.

before he bought them, for which the inspector received a fee of 2 pennies. If the buyer neglected to do so, he could not claim compensation if the goods were substandard.⁵¹ Despite inspection by authorities, goods were sometimes found to be substandard after the transaction had been completed. What happened then?

Trade in the Market Place

The medieval laws mainly regulated trade on the open market, where buyer and seller met face to face and the goods were present when the purchase was made. In this situation, most legal systems were in agreement on the terms. The main principle was that if a buyer had been able to inspect the goods before purchase, then he had no right to rescind the sale. Having seen the merchandise, he had only himself to blame if their quality did not measure up to his expectations, even if the seller had made extravagant claims. Consequently, he was obliged to pay full price for the goods, as agreed when the sales contract was closed.⁵²

However, the buyer was not always able to inspect the goods before the purchase. The Hanse had a generally negative attitude towards blind sales contracts, and a number of towns made laws forbidding purchase for future delivery (forward contracts). Nonetheless, it became common during the Middle Ages to deliver goods to the buyer after the contract of sale, so that the buyer had no possibility of viewing them in advance.⁵³ Pledges were commonly demanded and provided in order to increase the confidence of both parties at such sales. In addition, the sales contracts were often recorded in a town book, as shown by a multitude of examples in sources such as the *Niederstadtbuch* in Lübeck, the *Schuldbuch* in Riga and the *Tänkebok* in Stockholm. Wilhelm Ebel was convinced that the prohibitions of forward contracts were not intended to deter delivery of goods after the contract of sale had been closed, but rather to prevent short selling, that is, sale of goods which the seller did not own or have access to yet.⁵⁴

⁵¹ STb 1 482 no. 51.

⁵² Conze (1889) 27–8, 93–97; Ebel (1952) 9–10; Ullrich (2008) 147, 167–9; STb 1, for example 462 (1476:51).

⁵³ Conze (1889) 52–5; Ebel (1952) 20–1. See also Kuske (1923) no. 1000, 1002., p. 348–9, for a blind sale of fustian, produced in Ulm, between merchants from Cologne and Frankfurt, none of whom had seen the merchandise.

⁵⁴ Ebel (1952) 20–1.

It seems to have been common in wholesale trade, at least in the fifteenth century, that sales took place on the basis of samples which were shown to the customer. The legal requirement was, of course, that the goods delivered were to correspond to the sample in every way.⁵⁵

Defective Goods

Most legal systems mandated that goods should be of a minimum standard in order to be 'merchandisable'. The term often used for this in contexts where the buyer had not been able to inspect the goods before purchase, was *copmans gud*. To be considered *copmans gud*, the goods had to be of an acceptable quality. While the parties were free to agree on any mutually acceptable quality of goods in a particular exchange, whether they did so or not affected the rights of the purchaser. If no particular quality had been agreed, the buyer had a right to redress if the goods were substandard, i.e. not *copmans gud*. If the parties agreed on a particular quality, then goods were deemed sub-standard if they did not correspond to what had been agreed. Determining whether merchandise was substandard or did not correspond to what the parties had contracted was the job of independent experts in the town (the alderman of a craft guild, inspectors of trade or crafts). If the experts judged in favor of the buyer, he could return the merchandise and reclaim his money.⁵⁶

In certain cases, it was possible to return goods even if they had been inspected before the purchase, if they had hidden faults. There was a fine distinction between innocent mistakes and the deliberately deceptive sale of shoddy merchandise. Swedish town law contained many detailed rules about substandard goods and mandated severe punishments. The general rule was that, on suspicion that substandard goods (for instance wax, salt, incense, butter, lard, tallow or hops) had been sold, the bailiff and council were to appoint a committee of twelve to judge if the goods were of merchandizable quality. If they were not, then the seller was fined forty marks, the goods were to be burned publically in the market place and the seller was to refund the buyer his money.⁵⁷ This severe punishment

⁵⁵ Conze (1889) 98–9; Ebel (1952) 20. For an example of a sale on the basis of a sample, see Wolff (1983). The sample of cloth is still attached to the contract.

⁵⁶ Ebel (1952) 16–20; Conze (1889) 83–5, 105.

⁵⁷ MESTL 115 no. III.

was not just a loose threat: the records of town councils in Stockholm and Arboga regularly record such fines.⁵⁸

Such extensive regulation was without parallel in the other town laws around the Baltic Sea. Norwegian law, however, did forbid deception by concealing shoddy merchandise underneath merchandisable goods, be they packed in barrels, bundles or sacks. If defects were established, the seller was fined, or required to take an oath that he had been unaware of them.⁵⁹

The Lübeck law stipulated that no compensation was due for cloth which the buyer, upon returning home, discovered to be torn after the transaction had been made, if the seller swore that he had been unaware of the defect.⁶⁰ Ebel and Ullrich have argued convincingly that this regulation concerned wholesale trade, where cloth was sold in bundles and could not be examined minutely on the spot. Ebel cites a case where cloth was sold to a Swede, who upon returning home discovered that its dimensions did not correspond to what the seller had promised, for which reason he was allowed to return it.⁶¹

Even if the Lübeck regulation only mentioned cloth, Ebel shows that in reality it also applied to other commodities. The Lübeck council dealt with a number of cases in which animals had proved to be diseased or have other defects after they had been sold. By the council's judgement, a number of purchases of horses and pigs were cancelled for this reason. In these court cases a principle emerged, namely that the buyer had three days and nights to discover such hidden faults in an animal, but lost his right to return it thereafter.⁶²

Cloth and animals were mentioned in other sources concerning the right to rescind a sale.⁶³ According to the laws of Slesvig/Schleswig and Flensburg for example, bundles of cloth could be returned if it turned out to be mouldy or damaged by vermin. The buyer was encouraged to inspect the cloth before the purchase.⁶⁴ Hidden defects among animals

⁵⁸ STb 1–3, see 'olaga handel' or 'olaga köpslagen' in the index.

⁵⁹ Ullrich (2008) 172–3.

⁶⁰ LL III no. 102.

⁶¹ Ebel (1952) 18–9.

⁶² Ebel (1952) 14–6. See also Huang (2009) 58–9, who shows that the period of grace for claiming defects depended upon the kind of defect involved.

⁶³ Conze (1889) 100–2.

⁶⁴ DGKL I: 30–31 no. 66, 119 no. 36. Flensburg law was more or less a copy of Slesvig/Schleswig law, which was the oldest Danish town law, from the first half of the thirteenth century.

that only became apparent after the sale had gone through gave the buyer the right to return the beast in the laws of Braunschweig, Görlitz and Riga. As a rule, these laws also named a time limit, within which defective animals could be returned to the seller. In Lübeck, as mentioned, it could be three days, and the same period was used in Bremen, while Riga mentioned eight days and Dortmund gave the buyer 28 days.⁶⁵

Ullrich views these regulations as supporting his thesis that the Lübeck regulation about cloth influenced similar passages in the various Scandinavian laws. To be sure, the Lübeck regulation only mentioned cloth, but he takes the fact that the Norwegian and Swedish laws mentioned other commodities as well, as evidence that this had developed also in Lübeck, since Lübeck was the model for the Scandinavians.⁶⁶ This seems to me to be a remarkably circular argument.

Repurchase after Gottespfennig/Winkop/Handshake

If the symbolic legal act had taken place, but the transaction had not yet been completed, the rules were somewhat less strict. At least this was the case in some places, where the regulations stipulated that a purchase which had been made with *gottespfennig* could be rescinded upon payment of a small fine.⁶⁷ Other legal systems stipulated a period of grace after the binding symbolic act. The older Swedish town law (*Björköarätten*) stated that if the *gottespfennig* had been paid, either party could rescind the sales contract before sundown on the following day. In that case, the buyer could demand the return of the *gottespfennig* or the seller could force him to take it back. If one of them wanted to cancel the purchase after the end of the period of grace, he was obliged to pay 3 marks as punishment. The *gottespfennig* was, however, not returned.⁶⁸

The law of Copenhagen from 1294 stated that purchase made with a handshake could only be cancelled the same day. After that, there was no right to cancel the purchase. The buyer had to pay the full price for the goods.⁶⁹ A similar regulation is found in the law of Riga, where one had

⁶⁵ Conze (1889) 36, 100–1.

⁶⁶ Ullrich (2008) 172, 174–5, 178, 183.

⁶⁷ Conze (1889) 33, and see for example Flensburg town law, which stipulated loss of the *fæstæ penning* already given, and a fine of *two øræ penning*, DGKL 1: 119 no. 39.

⁶⁸ BjR 454 no. 6.

⁶⁹ DGKL 3: 31 no. 103, 82 no. 17–8.

until the next day after the symbolic act to rescind a sale, which in this case was not closed by a handshake but by giving a *gottespfennig*.⁷⁰

The Lübeck law does not specify any grace period, but does mention in connection with *gottespfennig* that the purchase was invalid if the seller gave back the penny or if the buyer demanded it back before they had taken leave of one another (*er se sic vullen scheden*).⁷¹ Many regulations explicitly excluded a grace period. Swedish town law for example just stated that no one had the right to cancel a purchase. Ullrich is of the opinion that this had the same meaning as the rule in Lübeck, i.e. that the purchase became binding once the parties left one another's sight. He therefore claims that the Lübeck regulation influenced Swedish town law on this point.⁷² I am not convinced. The regulations are, after all, substantially different. Moreover, mere regulatory similarity—even if one were, for the sake of argument, to accept that it was given in this case—does not suffice to prove influence between two specific laws, unless one eliminates all other possibilities. In this case, the evidence points more towards the application of general ideas: There are even greater similarities between a rule in the Swedish law from the province of Uppland (confirmed in 1296) and the Lübeck regulation, as Karl von Amira demonstrated long ago. In Uppland, a sales contract became binding at the point when the commodity (in this case a horse) was led away by the buyer after being purchased before witnesses. However, the Uppland regulation does not mention payment of any kind of penny in connection with the purchase and contains other rules, none of which corresponds with the Lübeck regulations.⁷³

Ullrich posits the theory that a grace period was an ancient custom, whereas the regulations in the town laws of Lübeck, Visby and Sweden represented modernizations which were more favorable to the merchants. Eliminating the grace period increased legal security in sales.⁷⁴ In my view, however, this argument is not valid, since the Lübeck law was demonstrably the oldest, and the grace period was still being written into law several hundred years later.

Perhaps the law of Copenhagen gives a clue as to how things worked in practice. As noted above, it stated that sales contracts, in cases where the goods had been inspected and the contract had been confirmed by means

⁷⁰ Conze (1889) 36, 41.

⁷¹ LL 105 no. 80. Compare Conze (1889) 35.

⁷² Ullrich (2008) 152.

⁷³ Conze (1889) 35; Amira (1895) 283–4; UL 152 no. V:4.

⁷⁴ Ullrich (2008) 152.

of the *winkop*, were valid and final. If, however, the contract had been confirmed with handshake, one had until the following day to rescind the sales contract, but was liable to make a small payment.⁷⁵ Those laws which stipulated a grace period might have been intended to be used in cases in which goods were bought by proxy, thereby giving the principal a change to inspect the goods bought by his agent. Perhaps this was also implied in the Uppland regulation, in which the grace period was different depending on the distance between the buyer and the seller. If one bought goods from a travelling merchant or on the open market, then there was no right to cancel a sales contract at all. The buyer was obliged to inspect the goods on the spot and take the consequences.⁷⁶

IV. Conclusion

Has this dive into medieval regulations of sale of goods answered questions about legal uniformity in the Baltic area or about influence between laws? If anything, it has made us more confused than before. Superficial similarities between the Lübeck law and the Scandinavian laws have in previous research been taken as evidence of Lübeck's influence. Not only do I find the similarities too minor to be convincing, I am fundamentally sceptical that one is justified in interpreting similarities between medieval legal regulations as proof of influence. My understanding of Northern Europe in the Middle Ages is that there was a common town culture, based on the spread of general ideas and their adaptation to local circumstances. By widening the comparison, I've tried to illustrate that similarities between two laws doesn't have to mean that one of them influenced the other. Similarities could just as well be the result of influence from other laws, or mean that general ideas about how to make a purchase were used and modified when laws were created. Each town had to solve similar problems on the market place, which suffices to explain why general similarities can be found everywhere.

Our insufficient knowledge about the context in which the laws were created and uncertainty about the precise meaning of the regulations make it difficult to interpret similarities and differences. What on the surface seems to be a difference might not have appeared so for the people of the time. One example that I have discussed is whether witnesses should

⁷⁵ DGKL 3: 82 no. 17–18.

⁷⁶ UL 152 no. V:4.

be present or not when sales contracts were made. It is also possible that differences between laws can derive from the fact that they regulated somewhat different situations. Rules were different if the legislators presumed that the goods were present or absent when the contract of sale was made, if the buyer and seller met eye to eye or if the purchase was made by proxy, if the purchase-sum was given or if the contract was confirmed with a symbolic act and so on.

Influence was something very complex in the Middle Ages and trying to work out relationships between specific laws can easily lead the historian out on thin ice. More comparative research are called for in order to reach a better understanding of spread of ideas and influence in medieval Northern Europe.

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HANSARDS AND THE 'OTHER'.
PERCEPTIONS AND STRATEGIES IN LATE MEDIEVAL BERGEN

Justyna Wubs-Mrozewicz

The Bergenfahrer archives in Lübeck, made fully available for research in 2002,¹ contain a wealth of information on Hanseatic commerce in one of the four main *Kontore*, namely Bergen in Norway. Among the many letters and reports, there is a captivating document, because of its form as well as its content. It is a dialogue between a (collective) Norwegian and a (collective) Hanseatic merchant stationed in Bergen. The document is entitled *Dyt is der Normannen clage vnde der Dudeschen antwort*, meaning 'This is the grievance of the Norwegians and the reply of the Germans'. 'De Norman' and 'De copman' utter their opinions interchangeably.² The source fits in the dialogue genre common in late Antiquity and in the Middle Ages, where pro and contra views were presented.³ However, in the context of Hanseatic sources, and especially sources on contacts with non-Hansards, this generalized presentation of antagonisms is to my knowledge very rare.

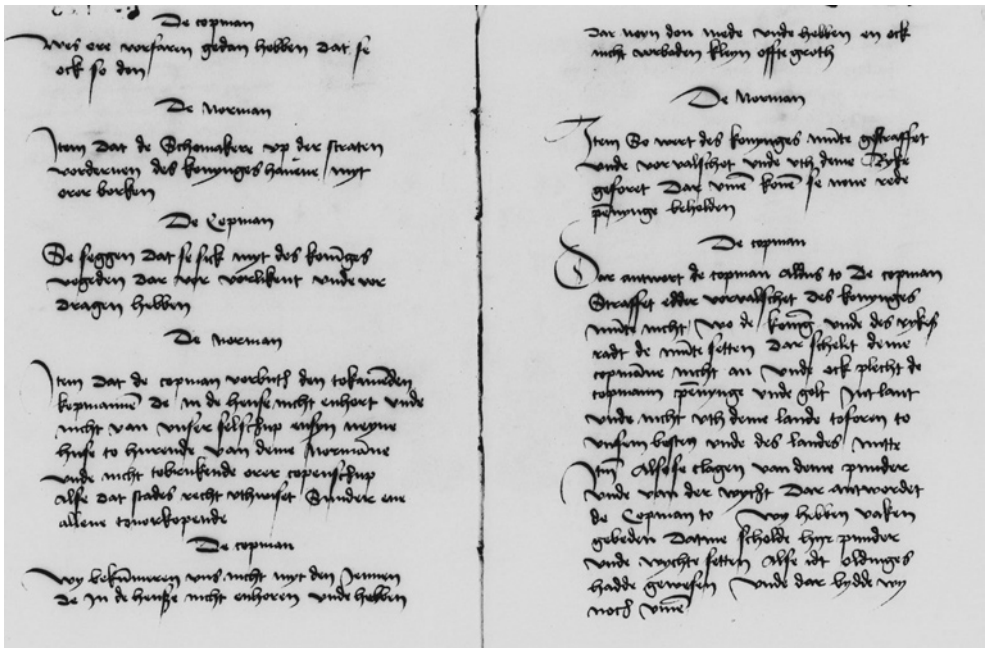
The issues raised are diverse: they concern, for instance, the conditions of credit given to Norwegians, the lack of reciprocity in Norwegian-Hanseatic trade or the illicit Hanseatic contacts with Norwegian women. And, what is noteworthy in the context of this article, 'De Norman' mentions the hindrances 'De copman' posed to other foreigners (non-Hansards) in their trade in Bergen.⁴ The Norwegians make complaints, the Hansards defend

¹ Graßmann (2002) 8–10.

² AHL Lübeck, Bergenfahrer no. 1418. It has been published in NGL 2:1 pp. 251–7; Bruns (1900b) 142–52, and in Christiania Videnskabselskabs Forhandling 1876 no. 8; see also Nesse (2010) 94–5. The text was written in the end of the fifteenth or in the beginning of the sixteenth century, see NGL 2:1 p. 251, Bruns (1900b) 143 and Asmussen (2002) 257, but its contents are based on events and sources from the 1440s.

³ The dialogue form was widespread in scholastic and literary texts. Also, it occurred in legal sources (as reported speech) when conflicts were presented. However, it was then a dialogue between specific parties, not a generalized dialogue like in the source presented above.

⁴ 'De Norman: Item dat de copman vorbuth den tokamenden kopmanne, de in de hense nicht en hort unde nicht van unser selschup ensyn, neyne huse to hurende van deme Normane unde nicht tobrukende orer copenschup alse dat stades recht uthwiset sunder ene allene to vorkopende. De copman: Wy bekumeren uns nicht myt den jennen



AHL Lübeck, Bergenfahrer No. 1418

their position.⁵ Whose perspective is actually presented here? At first sight, it might seem that the floor is given to Norwegians, who discuss at length the inequities committed by Hansards. However, it must be noted that since the writer was a Hansard, it is probably a filtered Hanseatic version of the contact with the Norwegian hosts. Furthermore, the source probably refers to events which took place half a century earlier.⁶ A closer look thus reveals several layers of perceptions. The generalized form of the dialogue between two different groups has a theatrical effect, conveying the notion that there is room for various interpretations of the lines. Roles and perceptions are key concepts in analysing this source on contact between foreigners.

de in de henße nicht en horen, unde heben dar neyn don mede unde hebben en ock nicht vorbaden kleyn offte groth.'

⁵ Nesse (2010) 94–5 has pointed out that this source, as well as other sources on contact between Norwegians and foreigners, was used by Norwegian scholars in the nineteenth and first half of the twentieth century to stress antagonisms and deplore influences. This was an instrumental use, taking place in the context of the rise of the modern Norwegian nation.

⁶ See note 2.

These concepts will also be the central analytical tools in this article. I will investigate the relations between Hansards and the 'Other' (that is non-Hansards) from the perspective of the perceptions Hansards had of the 'Other' and of the roles which were assumed. The distinction Hanseatic versus non-Hanseatic (*buten der henze*) became more and more pertinent in the Hanseatic *Kontor* in Bergen, and among Hanseatic traders in general, from the early fifteenth century onwards.⁷ It shaped the relations of Hanseatic traders with the foreigners they encountered in Bergen: Norwegians, Englishmen and Hollanders. The sources for the Bergen trade bear not only witness of trade treaties, privileges, cooperation or confrontations, but also reveal the various attitudes Hanseatic traders adopted towards, and perceptions they held of, the 'Other'. Changes of time and circumstances resulted in changes of attitudes and perceptions. The aim of this article is to set the Hanseatic versus non-Hanseatic interaction in Bergen in the larger context of studies of alterity in the late Middle Ages. In the following I will argue that the interaction of Hanseatic merchants with the 'Other' went along similar lines as of any other medieval merchants. However, the main point I want to make is that there was one special and major feature in the perception of the 'Other'. It was the paramount distinction Hansards made between 'the Hanseatic' and the 'non-Hanseatic'. All other distinctions between foreigners or the 'Other' were of secondary importance.

The evaluation of the Hanseatic perception and strategies of interaction with the 'Other' will be done by I.) sketching the approach to alterity in research, in particular in medieval and Hanse studies, II.) outlining the rules established in and for the Hanseatic *Kontor* in Bergen in relation to non-Hansards, III.) analysing the dealings of Hansards with Norwegians, Englishmen and Hollanders.

I. *Alterity, the Middle Ages and the Hanse*

Alterity, the study of the 'Other', is a well-established research topic in many disciplines, namely philosophy, psychology, anthropology, literature and cultural studies. The 'Other' is seen as the opposite to the self or to one's own group. It can refer to a 'far-away', exotic stranger or to a neighbor, or even to a different self (*alter ego*). Examining the 'Other' has

⁷ Wubs-Mrozewicz (2008) 18, 249–50; Wubs-Mrozewicz (2011).

been considered vital to research on identity: 'the circumscription of cultural identity proceeds by silhouetting it against a contrastive background of Otherness'.⁸ Alterity forms a frame around the concept of identity, and thereby makes it easier to grasp. Or, as expressed by Julia Kristeva, the 'Other' is 'la face cachée de notre identité'.⁹ The interaction with the 'Other' reveals thus (some) characteristics of the self which may be hidden at first sight. In the case of groups, the analysis of this interaction not only shows what kind of relations there are between groups, but also, for instance, the degree of openness towards the 'Other'. To relate it to this article, the construction of the notion of 'non-Hansards' was of importance in demarcating the notion of 'Hansards'. A closer analysis of the Hanseatic perception of and attitude towards various groups of non-Hansards can disclose what 'Hanseaticness' meant to Hansards both in regard to norms they held and the practice they adopted. The alterity perspective allows to include elements of 'Hanseaticness' which were expressed only in indirect terms. This means that the definition of Hanseaticness is better reached by contrast.

The use of the concept of alterity in the analysis of the Hanse can be set in the broader context of historical studies, among them medieval studies.¹⁰ It must be noted that 'Otherness' may refer to a variety of issues in the research on the Middle Ages. As fairly recently presented by Mara Wade and Glenn Ehrstine in the context of German studies, 'Otherness' can be discussed in various terms. 'Otherness' can for instance include monstrosity, strangers met in the context of travel and colonialism, minorities in a country, and even the 'inner alien'. It is vital element of the discussion of national and cultural identity, gender, policy towards minorities (for instance Jews), the introduction of Christianity or the meeting with the exotic 'Other' (Islam).¹¹ Moreover, it has been pointed out that the Middle Ages themselves are now being treated by American scholars as the unsettling and 'quintessential Other', resulting in a new wave of medievalisms.¹² For the purpose of this article, the framework of European travel and

⁸ For instance Corbey and Leerssen (1991) vi, viii; Peeren and Horstskotte (2007) 9; Schuster (1996a) 219.

⁹ Kristeva (1988) 9.

¹⁰ To name a few, excluding here research on the Hanse: Lamberg (2007); Bulst (2002); Scior (2002); Kühnel (1993) 429–50; Münkler (2000); Harms and Jäger (1997); McKee (2003). The contributions in: Schuster (1996b); Kuolt et al. (1990); Bihrer et al. (2000); Akehurst and Cain van d'Elden (1998); Erfen and Spiess (1997).

¹¹ Wade and Ehrstine (2004).

¹² Freedman and Spiegel (1998). Compare Kuolt (1990).

trade is the most appropriate one. As Georg Simmel aptly pointed out, in economic history the foreigner (or the 'Other') is first and foremost the merchant, and the merchant can be seen as the epitome of the stranger.¹³ Encounters of merchants with others can be analysed from the point of view of, for instance: the perceptions of merchants as strangers, and their perceptions of others while abroad; the privileges they gained; the manners of settlement abroad and the degree of integration into the local society; clashes and conflicts; the establishment of networks; economic and cultural influences, including language. The usual dichotomies were:

1. merchant—foreign host,
2. merchant—customer,
3. merchant—local or other foreign competitor.

Moreover, a vital dichotomy in the medieval trade was the opposition Christian and non-Christian, the latter usually Muslim, Jewish or 'exotic'.¹⁴

Alterity has been present in the studies of the Hanse for a long time, since in the Hanseatic sources the encounter with the 'Other' is central. Hanseatic trade with strangers, that is non-Hansards, was essential for the Hanse. However, contact with the 'Other' has mostly been discussed in pragmatic terms as contacts between Hanseatic traders and foreigners, and the concept of alterity has rarely been used as an analytical tool. Both relations in Hanseatic towns and abroad where Hansards ventured have been examined. Foreigners mean other, non-Hanseatic merchants (foreign competitors), or the local population (hosts). The topic of the stranger and the Hansards has been present in a.) most general studies of the Hanse, b.) research on the *Kontore*, c.) general analyses of foreign relations and d.) studies of specific aspects of the interaction between Hansards and non-Hansards. Starting with the general studies of the Hanse, Ernst Daenell went extensively into the Hanseatic policy which regulated contact with non-Hansards, namely the shipment of non-Hanseatic goods and the use of non-Hanseatic ships, the establishment of business relations with non-Hansards, credit trade as well as the position of non-Hansards in Hanseatic towns. His main point was that the aim

¹³ Simmel (1908) 686: 'In der ganzen Geschichte der Wirtschaft erscheint der Fremde allenthalben als Händler, bzw. der Händler als Fremde'.

¹⁴ For instance Reyerson (1997); Phillips (1997); Le Goff (1962); Kermode (2002); Fouquet (2006).

of the policy was to eliminate or reduce the role of non-Hansards in the Hanseatic mercantile dominion.¹⁵ Klaus Friedland discussed the contacts of Hansards trading abroad, primarily with the host population, and the impact non-Hansards had on the demise of the Hanse.¹⁶ Philippe Dollinger considered the question in the traditional context of competitors to the Hanse.¹⁷ Rolf Hammel-Kiesow has focused on the limitations of trade companies with the *butenhansische* merchants and with guest law in Hanseatic towns.¹⁸ Secondly, researchers who have investigated the relations in and around the four main Hanseatic *Kontore* and the smaller Hanseatic mercantile settlements abroad, have inadvertently addressed the question of Hanseatic and non-Hanseatic interaction in terms of trade relations, sociability as well as legal and administrative organization.¹⁹ Thirdly, the issue of contact has been of importance in analyses of overall Anglo-Hanseatic, Russian-Hanseatic, Swedish-Hanseatic, Norwegian-Hanseatic and Hollandish-Hanseatic relations.²⁰ The relatively recent research on the latter, done by Dieter Seifert, has shown on the Hanse-Holland example that the boundary between Hanseatic and non-Hanseatic was shifting. Moreover, Seifert has demonstrated that the relations between Hansards and Hollanders entailed both cooperation and competition.²¹ And finally, there are other studies which have devoted their full attention to questions of contact between Hansards and non-Hansards. Stuart Jenks has analysed the so-called guest law in Hanseatic towns, that is to say the regulations on the presence of foreigners. He has observed (among other things) that Hansards did not always enjoy priority above non-Hansards in a Hanseatic town, and that measures against non-Hansards could be short lived as the towns used them as a means of pressure.²² Horst Wernicke has discussed the reception and comportment of Hanseatic traders abroad.²³

¹⁵ Daenell (2001) vol. 2, 376–86 and 408–15.

¹⁶ Friedland (1991) 31–71; 176–81.

¹⁷ Dollinger (1998) 244–74.

¹⁸ Hammel-Kiesow (2002) 94–6.

¹⁹ Schubert (2002a); Jörn (2000) and (2002); Henn (1999a) and (2008); de Boer (2000); Burkhardt (2006) and (2009); Angermann (2002); Schubert (2002b) and Wubs-Mrozewicz (2008).

²⁰ For instance Lloyd (1991); Angermann (2002); Schreiner (1941); Kumlien (1953); Seifert (1997). Ahasver von Brandt took Hanseatic-Scandinavian relations as a starting point to discuss the nature of the Hanse, see von Brandt (1962).

²¹ Seifert (1997) 419–23. In this aspect, it corrected an older view on the prevailing rivalry between Hansards and Hollanders.

²² Jenks (1996).

²³ Wernicke (1997).

Thomas Behrmann has pointed out that the term 'Hanseatic' was used for representation to the outside; in other words, it gained content when confronted with what was considered 'non-Hanseatic'.²⁴ In addition, for Franz Irsigler and Matthias Puhle the quintessence of Hanseaticness lies in the trade contacts with foreigners and the inner-outer interaction.²⁵ Anke Greve has analysed the relation between Hansards and their non-Hanseatic hosts in Bruges,²⁶ while Volker Henn has focussed on the interaction with other foreigners in this town.²⁷ I have addressed the question of the identity of Lübeckers in Stockholm and the rules of exclusion of non-Hansards in the *Kontore*.²⁸ Marie-Louise Pelus-Kaplan has lately taken up the issue in three case studies, namely the presence of non-Hanseatic traders and immigrants in Lübeck, Hamburg and Danzig.²⁹ And finally, Carsten Jahnke has recently investigated the terms of self-description used by Hansards in England, Flanders and the Baltic which resulted from contact with non-Hansards.³⁰

II. *Ruling Out Non-Hansards*

The case of the Hanseatic *Kontor*, and in particular the Bergen *Kontor*, is of special interest for the study of relations between Hansards and non-Hansards because—in contrast to the Hanse at large (i.e. the Hanseatic towns)—a continuous (and not ad hoc) policy of ruling out non-Hansards was developed.³¹ It must be underlined here that there were several factors which shaped the relations of Hansards with non-Hansards in Bergen, many of which were group-specific, as will be shown in this section of the article. However, there were also underlying general rules of interaction with non-Hansards which played a vital role. These rules and regulations emerged gradually after the Bergen *Kontor* was established in the 1360s. In time, the rules were expanded and adapted to the circumstances of life and trade in Bergen. Rules were established both by the Hanseatic towns (through the decisions of the Hanseatic Diets), and by the *Kontor* itself.

²⁴ Behrmann (1997).

²⁵ Irsigler (1998); Puhle (1999).

²⁶ Greve (2002).

²⁷ Henn (1999b).

²⁸ Wubs-Mrozewicz (2004) and (2011).

²⁹ Pelus-Kaplan (2007).

³⁰ Jahnke (2011).

³¹ Wubs-Mrozewicz (2011); compare Jenks (1996) on the (often) temporary measures of the Hanseatic towns.

Many of the rules were enacted specifically for Bergen, but the majority showed direct parallels with the rules designed for the other three major *Kontore* and reflected the general policy of the Hanse.³²

Most rules were consolidated into so-called *wilkore*, the *Kontor's* statutes,³³ and in tenement rules.³⁴ The rules contain several provisions on contact with non-Hansards. The fundamental rule was that only Hansards were to be included in the *Kontor*. It was anchored in the general 1366 decree, enacted at a Hanseatic Diet in Lübeck, that the Hanseatic privileges and freedoms were reserved for burghers of Hanseatic towns. This principle was upheld and repeated throughout the following centuries in sources concerning the Bergen *Kontor*.³⁵ The 1366 rule was concurrent with the establishment of the Bergen *Kontor* as an organization (in the 1360s), so it appears that from the very beginning of its existence, the *Kontor* was exclusively reserved for Hansards. It is vital in the context of this article to stress that, in the second half of the fourteenth century, the concern was more on who was to be included rather than excluded

³² Burkhardt (2005) 60–7; Wubs-Mrozewicz (2011).

³³ NGL 2:2 no. 416. The statutes can be dated in several layers: the '100-points' manuscript edited in NGL 2:2 is from 1494, yet it appears from other sources that the statutes must have existed in a largely similar form prior to 1464. Most of the points were obviously much older than 1464, others were enacted later (§ 94 in 1488; § 67 in 1489; § 53 in 1494; § 64 in 1522); see NGL 2:2 p. 674 note 1. On *wilkore* as statutes of demarcated groups, see Ebel (1953) 7–9. The statutes of the *Kontor* have been extensively used in Norwegian research, but only rarely in German studies. The source and its Norwegian edition (NGL 2:2 no. 416) have largely been unknown in Germany, something that is reflected in the *Quellen zur Hanse-Geschichte*, where it is stated 'Aus dem Bergener Kontor sind keine derartig ausgefeilten Statuten wie etwa aus London und Novgorod überliefert, so daß wir über die Organisation dieses Kontors relativ wenig informiert sind'; see Sprandel (1982) 383. Compare Burkhardt (2005) 59, who also informs of this lacuna, and Wubs-Mrozewicz (2008) 126–53.

³⁴ The tenement rules concerned mostly inner affairs and everyday life, see *Dat Gartenrecht*. Moreover, there were rules concerning confraternities, but they focussed rather on ways of inclusion of *Kontor* members (non-Hansards were automatically excluded), see Wubs-Mrozewicz (2011) and Haugland (2006).

³⁵ NGL 2:1 p. 604 (HR I 1 no. 376) § 11; NGL 2:1 no. 342 (HR I 1 no. 384) § 5; compare Daenell (2001) 404. At the same Diet it was decided that solely merchants originating from a Hanseatic town were to be elected as aldermen in Bergen; see NGL 2:1 p. 604 (HR I 1 no. 376) § 12. Rather than imply that the rest of the *Kontor* merchants could be non-Hansards, this rule rectified an earlier regulation that the posts of aldermen were reserved for merchants from a town of Lübeck law; see NGL 2:1 no. 341 b (HR I 1 no. 358). The rule that only Hansards were to enjoy Hanseatic rights, and thereby be members of the *Kontor*, was repeated many times, for instance in 1418, NGL 2:1 no. 379 (HR I 6 no. 557) § 6; 1434, NGL 2:1 no. 384 (HR II 1 no. 321) § 12; 1447, NGL 2:1 no. 396 (HR II 3 no. 288) § 47; 1494, NGL 2:3 no. 389 (HR III 3 no. 353) § 151; 1540, MA Kampen, Oud Archief no. 2130; 1540–1550, AHL, Bergenfahrer no. 1427.

from the *Kontor* group. This was to change, however. From the fifteenth century onwards, tensions within the Hanse and external threats to the interests of its towns gradually grew worse.³⁶ The dichotomy Hanseatic versus non-Hanseatic became more vital and explicit in the writings of the Hanse in general.³⁷ Consequently, the regulations which pertained to Bergen, like other *Kontore*, started to include prohibitions on matters connected to non-Hansards.³⁸ And from the turn of the fifteenth and sixteenth centuries, the rule of 'Hansards only' in the Hanseatic *Kontor* became even more defined through the demand that written proof of membership in the Hanse had to be produced.³⁹ In 1560, not only burghership in a Hanseatic town but also birth in a Hanseatic town became the prerequisite for admission in the *Kontor*.⁴⁰

This underlying principle resulted in a host of specific regulations on trade connections, many of them valid for all Hansards in general, not only members of the Bergen *Kontor*. First of all, from the beginning of the fifteenth century there were repeated bans on trading with non-Hanseatic goods, that is to say making them pass for Hanseatic ware and thereby abusing rights and privileges.⁴¹ The same concerned freighting non-Hanseatic ships: also here a clear distinction had to be made.⁴² However, in the latter issue exceptions to the rule were allowed in Bergen, on condition that the necessity of such action could be proved.⁴³ A hard and fast rule was that no business partnerships were to be established with anyone

³⁶ For instance Puhle (1999) 110–9; Hammel-Kiesow (2002) 97–109; Friedland (1991) 176–81.

³⁷ For instance, in demanding proof that a trader was a burgher in a Hanseatic town prior to allowing him to enjoy Hanseatic rights in general, see 1417, HR I 6 no. 398 § 3 and 1418, NGL 2:1 no. 379 (HR I 6 no. 557) § 6. The differentiation was also apparent through the change of relations with Hollanders and Zeelanders, no longer perceived as part of the Hanseatic interest group, and the trend in formal (re)admissions of towns to the Hanse see Seifert (1997) 190–1, 195–9.

³⁸ Jörn (2000b); Wubs-Mrozewicz (2008) 127–8.

³⁹ NGL 2:3 no. 389 (HR III 3 no. 353) § 151.

⁴⁰ NAU 2 no. 103 p. 45.

⁴¹ 1405, NGL 2:1 no. 366 (HR I 5 no. 225) § 8; 1497, NGL 2:1 no. 368 (HR I 5 no. 392); 1412, NGL 2:1 no. 375 (HR I 6 no. 70): § 14; NGL 2:2 no. 416 § 20.

⁴² 1447, HR II 3 no. 288 § 79. Compare 1423, HR I 7 no. 577; Daenell (2001) vol. 2, 385–6; 1469, NGL 2:2 p. 733 (DN 6 no. 568; HR II 6 no. 188) § 6; 1476, NGL 2:2 p. 737 (HR II 7 no. 342) § 20; 1498, NGL 2:3 no. 391 (HR III 4 no. 79) § 72; 1507, NGL 2:3 no. 397 (HR III 5 no. 243) § 185.

⁴³ 1449, HR II 3 no. 546 § 8 (BGO no. 1958); NGL 2:2 no. 416 § 22; 1469, NGL 2:2 p. 733 (DN 6 no. 568; HR II 6 no. 188) § 6; compare 1476, NGL 2:2 p. 737 (HR II 7 no. 342) § 20; 1507, NGL 2:3 no. 397 (HR III 5 no. 243) § 185; Wubs-Mrozewicz (2008) 160–3.

buten der henze wesende.⁴⁴ Moreover, it was forbidden to house,⁴⁵ employ, or defend non-Hansards.⁴⁶ This pertained both to non-Hanseatic traders and to servants who were part of the household. The punishment for breaching these particular rules ranged from the highest fine of 100 English shillings (approximately 18.75 Lübeck marks, which was the equivalent of c. 180 pieces of stockfish at that time),⁴⁷ to losing Hanseatic rights (*des kopmanns gerechticheidt*).⁴⁸ The rules were formulated in a general way, and could pertain to all kinds of non-Hansards. The rules against employment of non-Hansards as servants possibly referred in particular to Norwegians, as they were the largest group which could provide manpower. As mentioned above, the *Kontore* were a special case in the Hanse because the measures concerning contact with non-Hansards were seen as a permanent principle. These rules were recurrently read aloud, and traders who became *Kontor* members had to swear they would follow them.⁴⁹

Non-Hansards were kept away from the *Kontor* also in other ways. In Bergen, Hanseatic newcomers had to undergo harsh rites of incorporation, the so-called *spelen*. The *spelen* were idiosyncratic rituals, probably unique in the context of the *Kontore*. The ordeals included ordeal by water (being drawn under the keels of boats), ordeal by smoke (being suspended above a barrel with foul smelling, burning objects) and a ritual beating. Moreover, until the middle of the sixteenth century, new members of the *Kontor* had to undergo even more humiliating acts, like having their nose and mouth filled with cats' and dogs' excrement.⁵⁰ Apart from its group consolidating function, these ordeals constituted also a form of 'control at the entrance' of potential new members, where the Hanseatic and non-Hanseatic issue could have played a role. Designated *Kontor* merchants were responsible for the supervision of the *spelen*, which undoubtedly

⁴⁴ 1411, NGL 2:1 p. 656 (HR I 6 no. 38) § 1; 1422, NGL 2:1 no. 381 (HR I 7 no. 487) § 17; compare 1434, NGL 2:1 no. 384 (HR II 1 no. 321) § 14; in the statutes, see NGL 2:2 no. 416 §§ 21 and 23.

⁴⁵ NGL 2:2 no. 416 § 18.

⁴⁶ NGL 2:2 no. 416 § 88. In 1507, an urgent demand was issued that in the context of forbidden dealings with Hollanders and other non-Hansards, no apprentices or journeymen of non-Hanseatic origin were to be employed in the *Kontor*, NGL 2:3 no. 397 (HR III 5 no. 243) § 52.

⁴⁷ For instance NGL 2:2 no. 416 §§ 18, 21–22; Nedkvitne (1983) 277, compare his calculation of prices in the Bergen trade in silver, pp. 583–604.

⁴⁸ NGL 2:2 no. 416 § 20; NGL 2:2 no. 416 § 22.

⁴⁹ Wubs-Mrozewicz (2011).

⁵⁰ *Dat Gartenrecht*, p. 16 § 3 'Van spelen'; BEE pp. 401–412; BF pp. 56–57; Harttung (1877); Wubs-Mrozewicz (2011).

included checking the Hanseatic membership of the candidates.⁵¹ Also, rules of secrecy were a means of drawing a line between Hansards and non-Hansards in Bergen. Nobody was allowed to reveal any secret of the *Kontor*, including the contents of statutes, to outsiders. Breaches of this rule would be punished by exclusion from merchant rights.⁵² As each of the *Kontor* members was to know the statutes, all were bound by a contract of secrecy.⁵³ There were parallel rules in other *Kontore*.⁵⁴

The *Kontor's* statutes regulated—implicitly and explicitly—social contacts with non-Hansards in Bergen, in particular with Norwegians. It was forbidden for Hansards to frequent the town's taverns.⁵⁵ This was to prevent fights, but also contact, with Norwegians and foreigners in Bergen. In addition, Hansards were not allowed to join the confraternities of Norwegians or burghers (Norwegian or of foreign origin) of Bergen. The punishment for a breach of these rules was severe, namely the loss of mercantile rights.⁵⁶ Neither would non-Hansards be admitted to the Hanseatic confraternities in Bergen, which were an important instrument of social and religious cohesion of Hansards in the *Kontor*.⁵⁷ Finally, the rules prescribed how the members of this male colony were to deal with women. They were not allowed to bring Hanseatic wives or concubines due to practical reasons,⁵⁸ and they were not allowed to marry non-Hanseatic (Norwegian) women.⁵⁹ Also any form of immoral acts

⁵¹ *Dat Gartenrecht*, p. 16 § 3 'Van spelen'.

⁵² NGL 2:2 no. 416 § 82.

⁵³ NGL 2:2 no. 416 § 98.

⁵⁴ Jörn (2000b) 228.

⁵⁵ NGL 2:2 no. 416 § 96; Helle (1982) 750.

⁵⁶ NGL 2:2 no. 416 § 87.

⁵⁷ Wubs-Mrozewicz (2008) 140–3; Haugland (2006) 57, 74–99. The most important confraternity was St. Catherine's and St. Dorothea's, founded in 1397, see NGL 2:1 no. 361. Haugland (2006) 16 discusses the question whether the foundation date had been misread by editors and should be 1357, but the picture of the original source he provides, shows that the text reads 'dusenndt dreehundert soven undt Negentich'.

⁵⁸ In London, Hanseatic wives were forbidden due to lack of space and the costs of residence, see Jörn (2000a) 457. In Bergen, no explicit ban on keeping *Hanseatic* wives can be found in the sources, but there is ample evidence that marriage in general was forbidden, whether with women from Norway or the Hanseatic towns. In 1545, for instance, Bergen burghers remarked that *Kontor* merchants were forced to remain unmarried, see Schreiner (1942) 172. Equally, according to a description of the *Kontor* from 1584, no married men were allowed to stay there during the winter, see 'Den norske so', as referred to in NM 2 p. 25.

⁵⁹ It seems that initially, the rule applied without being written down (or has not been preserved), following for instance the 1434 general Hanseatic regulation that marriages abroad were banned, see NGL 2:1 no. 384 (HR II 1 no. 321) § 18 and 1441, NGL 2:1 no. 392 (HR II 2 no. 439) § 28; explicit in 1498, NGL 2:3 no. 391 (HR III 4 no. 79) §§ 86–87.

with (Norwegian) women was banned, as it was specified in the statutes. The punishment was again exclusion from Hanseatic rights.⁶⁰ The aim of these regulations was to prevent integration into the local society, which would blur the boundary between Hansards and non-Hansards, and thus preventing conflicts of loyalty. Thus the general principle of the *norm* in the Bergen *Kontor* was to draw a clear distinction between what was seen as Hanseatic and what was not. The practice was, however, as is often the case, somewhat different.

III. *Encounters with the 'Other'*

The majority of the sources to be discussed in this section have been extensively used by scholars to analyse political and economic relations between Hansards and the other groups they met in Bergen, most prominently Norwegians, Englishmen and Hollanders.⁶¹ I am going to choose a different angle, namely what the non-Hanseatic principle meant for encounters with these groups, and what kind of mutual perceptions were held.

Norwegians

An important aspect of Hanseatic-Norwegian interaction is the definition of the term 'Hanseatic', which was a dynamic rather than a static concept. The history of the political and commercial relations with Norwegians reflects well how the concept of 'Hansards' came into being in Norway. More specifically, it shows how Hansards were perceived by rulers and how they gradually started to appear and act as a group. Initially, treaties were signed with and privileges were given to traders from specific towns, for instance to Lübeckers from middle of the thirteenth century,⁶² or to Kampen traders in 1289.⁶³ Their position was also defined by general

⁶⁰ NGL 2:2 no. 416 § 81. The editors of this source reckon that this paragraph was probably amongst the pre-1464 paragraphs, and since it was not mentioned in 1458; see NGL 2:2 no. 409 (HR II 4 no. 586), it must have come on the agenda in the period between 1458–1464.

⁶¹ In the sixteenth century, also Scotsmen appeared as a larger group of foreigners in Bergen. Yet since they came after most rules pertaining non-Hansards were established and the sources on the Hanseatic-Scottish interaction are limited (the most prominent ones concerning the 1523 incident, see below), this group is not considered here.

⁶² DN 5 no. 4, 13 and 15; Helle (1982) 164; Nedkvitne (1983) 18.

⁶³ Privilege to trade in all of Norway, see DN 5 no. 18 (31.07.1289); HUB 1 no. 1058.

regulations for foreigners (*utlendzskir men*), among others concerning issues of winter residence. In the Urban Code of 1276, King Magnus VI Håkonsson differentiated between passing guests on the one hand, and between foreign residents with established households and locals on the other. The latter two groups were to enjoy equal rights. The criterion here was thus the attachment to the town, not the origin as such.⁶⁴ This does not mean that origin was of no importance when it comes to rights in Bergen. Two years later, in 1278, a confirmation of privileges was issued to all merchants 'of the German tongue' (*mercatoribus lingue teuthonice*). For the first time, the interest of a *group* of merchants from various towns was recorded.⁶⁵

The fourteenth century saw two significant developments. First, in the first decennia there was a change in the position of foreign residents in Bergen. Instead of the (long-term) resident against (short-term) guest distinction, the binary 'inhabitant against foreigner' (*inlenzk* and *utlenzk*) was introduced. All foreigners were to have their (previously gained) rights curtailed in respect to the local inhabitants.⁶⁶ Thus from the Norwegian point of view, foreigners staying longer in Bergen could not longer be grouped together with locals on the basis of their long-term residence. And second, in 1343 privileges were granted for the first time to traders of the *Hansa Theutonicorum*.⁶⁷ From then on, the term became more and more common and defined. It also replaced other collective terms used for this group of merchants. In 1350, the *mercatores de hansa Theotunicorum* [sic], *in ciuitate nostra Bergensi existentes* had their privileges confirmed, hinting at the more permanent character of their presence in town.⁶⁸ In 1361, the King acknowledged again the rights of the 'Hanseatic brothers' (*hensza broedr*): this expression showed that they were perceived as one group

⁶⁴ For instance in the Urban Code of 1276, NGL 1:2, pp. 185–290; Helle (1998) 316; Bruns (1900a).

⁶⁵ DN 5 no. 10.

⁶⁶ On the whole, the policy of King Håkon V has been perceived as an attempt to curtail the rights of foreigners in Bergen and Norway. A vital measure taken by the king which supports this view was to forbid all foreigners from conducting retail trade in Bergen, which was thenceforth to be reserved for Norwegians. Moreover, attempts were made to limit the winter residence and winter trade of foreigners, and to oblige the exporters of stockfish to import grain products. Compare Nedkvitne (1983) 214; Bruns (1900a) VI; Wubs-Mrozewicz (2008) 42–3.

⁶⁷ DN 8 no. 151 (HUB 3 no. 13). The term was used in the Norwegian confirmation more than half a century after a similar phrasing appeared for the first time as a designation of a group of merchants, namely in the English privileges of 1282.

⁶⁸ DN 3 no. 272; Helle (1982) 730.

with close inner ties.⁶⁹ This uniform perception was concurrent with the emergence of the Hanseatic *Kontor* in Bergen as an organization.⁷⁰ By and large, Hansards were treated thereafter as one group, and acted as such towards the king and the population of Bergen.⁷¹

From the point of view of these traders 'of the German tongue' and later the 'Hanseatic brothers', Norwegians were the 'Other'. They were speakers of a different (though intelligible) language and they were not part of the Hanse.⁷² The two main perceptions Hansards held of Norwegians were the roles of *hosts* and of *trade partners*. The first one entailed mercantile diplomacy. As Kathryn L. Reyerson has shown for merchants in the Mediterranean, 'diplomacy was the handmaiden of trade', either on the high level or in everyday contact.⁷³ In Bergen, Hanseatic merchants were continuously negotiating a favorable position in the Bergen trade with Norwegians who appeared as the host 'Other' on various levels: with the ruler who granted privileges, with the local decision makers who were to see to the enforcement of these privileges, and with the local population with its own rights and privileges. In time, the cornerstones of the Hanseatic position became defined in interaction with the Norwegian hosts: they were constituted by the privilege of winter residence,⁷⁴ the restriction to wholesale trade,⁷⁵ and the prohibition on trading north of the city, including the tributary islands and Iceland.⁷⁶ It must be stressed that Hanseatic rights never exceeded the rights of Norwegians. Retail trade was to be reserved in the first place for Norwegians, and the same was the

⁶⁹ In a confirmation of the rights of Bergen, see NGL 1:3 no. 92 (1361).

⁷⁰ NGL 2:1 no. 339 (1360); NGL 2:1 no. 341–342 (1365, 1366).

⁷¹ Wubs-Mrozewicz (2008) 44–62.

⁷² On the linguistic relations between Hansards and Norwegians, and especially their semi-communication (entailing that each speaker used actively the native tongue, but understood the other idiom and thus a conversation could be conducted), see Jahr (1995) and (1998); Rambøe (2008); Nesse (2010).

⁷³ Reyerson (1997) 8.

⁷⁴ Granted in the Urban Code of 1276, see NGL 1:2 pp. 185–290; Helle (1998) 316; compare Wubs-Mrozewicz (2008) 35–62.

⁷⁵ 1317, HUB 2 no. 311 (NGL 1:3 no. 49). In 1372 Germans applied for the right of retail trade, but were denied it; see NGL 2:1 no. 349 tillegg; Schreiner (1941) 23. Retail trade was again forbidden for Germans in 1377, NGL 1:3 no. 111.

⁷⁶ 1294, DN 5 no. 23; 1302, NGL 1:3 no. 53; 1348, NGL 1:3 no. 83; 1361, NGL 1:3 no. 93; 1425, NGL 2:1 no. 63 (HUB 6 no. 582); 1513, NGL 2:4 no. 5 (HR III 6 no. 515); Helle (1998) 317. For Hansards, it meant in fact a convenient concentration of trade in one place and provided possibilities to control it; see Bruns (1900a) LXV; Nedkvitne (1983) 198–205. Consequently, they reinforced this policy by passing their own rules forbidding trade and settlement outside of Bergen, which included Iceland and the tributary islands.

case for trade outside of Bergen.⁷⁷ When other foreigners were given new rights, as will be discussed below, Hansards were immediately knocking on the Norwegian door to renegotiate their own freedoms and curb the rights of others. Hansards were to remain the most privileged group of foreigners in town, but that did not mean that their position in the overall trade remained unchanged. From the 1540s on, the trade of local Bergen burghers increased, namely more and more Bergen ships were sent north of Bergen to fetch fish. While no Hanseatic rights were curtailed, the expansion of denizen trade meant in practice that Hanseatic hegemony was in decline. Consequently, Hansards engaged into lengthy negotiations on the extent of this Norwegian trade.⁷⁸

Moreover, in the relation with Norwegians as hosts, a vital issue was keeping the boundary between Hanseatic and non-Hanseatic, following the general rules of the *Kontor* and the Hanse. This policy manifested itself in a number of ways. The ban on settling in Bergen and becoming burghers became stricter in the course of the fifteenth century: at the beginning there still existed a possibility of reconciliation and readmission to the *Kontor* organization,⁷⁹ but from the 1460s onwards dissidence of any kind resulted in a permanent loss of Hanseatic rights and privileges.⁸⁰ This underlying principle of non-integration is also visible in the interaction with Norwegian women. As mentioned above, marriage or engagement were prohibited because this might lead to permanent settlement in town and thus leaving the *Kontor*. However, concubinage and contacts with prostitutes were tolerated, at least as long as the merchants remained

⁷⁷ Helle (1998).

⁷⁸ NRR I p. 154–155; *Lover og forordninger* pp. 47–48, 66; Archive Copenhagen Tyske Kancellis udenrigske afdeling til 1770, *Hansestæderne*, A II 8. Many of these Bergen burghers were of foreign origin, i.e. Hollanders or (as it will be discussed further) Germans who had been deprived or who had relinquished Hanseatic rights; there were also burghers of Danish, English or Scottish origin, see Wubs-Mrozewicz (2008) 78, 136–9; Fossen (1979) 43–5.

⁷⁹ A case in point is the 1422 affair of a Hinrik Cracht, probably a Lübecker and a Bergenfahrer within the Hanse ('de eyn Bergervare was ute der duseschen henze'); see the 1419 source on 'Hinricus Kracht', DN 1 no. 665; NGL 2:1 no. 381 (HR I 7 no. 487) § 21; compare Nedkvitne (1983) 313. After a conflict with the aldermen of the *Kontor*, he brought his case to the Norwegian king. In general, Hansards in the *Kontor* were not supposed to resolve their internal disputes in a Norwegian court; see NGL 2:2 no. 416 § 13 and Helle (1998) 320. The assembled Hanseatic envoys at the 1422 Lübeck Diet decided that Cracht was to be excluded from the *Kontor*, from trade with other Hansards and in all Hanseatic towns until he reconciled with the towns; see NGL 2:1 no. 381 (HR I 7 no. 487) § 21. Thereafter, apparently, he could be again part of the *Kontor*.

⁸⁰ NGL 2:2 no. 416 §§ 20, 22, 26, 44, 54, 57, 75, 81, 87.

members of the *Kontor* and followed the general rules of obedience. The *Kontor*'s norm on interaction with Norwegian women as the 'Other' differed thus from the practice, and the underlying issue was the question of the power of the *Kontor*, not morality or contact with foreigners.⁸¹ This was parallel to how the male colonies of the London and Novgorod *Kontor* functioned.⁸² The issue of the Hanseatic and non-Hanseatic boundary in relation to Norwegians was also well apparent in the protracted negotiations in the fifteenth and sixteenth century on the position of Hanseatic craftsmen in Bergen. The Norwegian rulers and officials wanted them to be regular inhabitants of Bergen and to fall under the local jurisdiction, while the *Kontor* saw them first and foremost as Hansards. In the second half of the sixteenth century, when the *Kontor* was losing power, the craftsmen were incorporated as a group into the town.⁸³ It must be noted here that the boundary between Hansards and Norwegians was not a wall as was the case in Novgorod. Neither was it a clearly separate part of the town, contrary to what has been claimed by older research. As Geir Atle Ersland has demonstrated, the Hanseatic settlement in Bergen was not a closed entity and regular contact with Norwegians and others was fully possible.⁸⁴ Instead, the boundary between Hansards and non-Hansards was constituted by the rules outlined above.⁸⁵

A recurrent topic in the Hanseatic-Norwegian relations as foreign traders-hosts was the need to deal with conflict and violence in everyday life. There are several accounts of animosity and clashes, and the dialogue mentioned in the introduction is just one of them. The Norwegian view on Hansards in these sources on conflict could range from seeing them as immoral seducers of Norwegian women,⁸⁶ to murderers (to mention just one example: the infamous assassination of Olav Nilsson, the captain of the Bergenhus castle, in 1455),⁸⁷ or the assault on Scotsmen and

⁸¹ More extensively on these relations in Helle (1982) 762–6 and Wubs-Mrozewicz (2008) 143–8.

⁸² Jenks (1999) 212; Angermann (1999) 240.

⁸³ 1443, HR II 3 no. 19 § 5; HR II 3 no. 312 § 23; HR II 7 no. 272, 273, 274, 275, 278, 333, 334, 335, 336, 378, 529, 530; HR III 1 no. 152 § 37; NRR I p. 239 (*Lover og forordninger* p. 61–62); NGL 2:2 pp. 639–651; 706–711, 714–716, 722–724; Helle (1982) 750–61; Wubs-Mrozewicz (2005).

⁸⁴ Ersland (2005). A comparison with the other *Kontore* in this respect in Wubs-Mrozewicz (2008) 104–13.

⁸⁵ See also more detailed in Wubs-Mrozewicz (2008) 126–69.

⁸⁶ 1440, NGL 2:1 pp. 246–247 §§ 7, 8; BF pp. 48–53.

⁸⁷ 1455, HR II 4 no. 350; NGL 2:3 pp. 38–40; NGL 2:3 pp. 500–502 (HR III 3 no. 353); Olav Nilsson instigated several conflicts with Hansards in the 1440s and 1450s, see Helle (1982) 766–8.

burghers in 1523.⁸⁸ These views shaped later perception of the overall relations between Hansards and Norwegians. However, it must be pointed out that conflicts, and in particular conflicts between foreigners, receive much more attention in the sources than co-existence or cooperation. In general, both Norwegians and Hansards must have sought ways to live alongside each other. Hanseatic traders considered fights with Norwegians as harmful to the overall position of the *Kontor* in Bergen, and impressed upon the *Kontor* members that any discords were to be avoided.⁸⁹ As it often has been pointed out as an example of good neighborly relations that Hansards were able to move in with Norwegians after the fire of 1476. Nevertheless, Hansards themselves stressed that in the long run it was not in their interest to intermingle too much: it might endanger the existence of the *Kontor*.⁹⁰ Knut Helle gives several other examples of peaceful co-existence and even social contacts between Hansards and Norwegians, especially from the 1560s onwards.⁹¹ Also, conflicts on a political level did not have to mean conflicts on the trade level, even when the same persons were involved, as illustrated by an incident in 1446, when Norwegian fishermen were obliged to confirm publicly that they would follow the policy of the council of the realm. However, since this policy was contrary to Hanseatic privileges, they immediately asked the Hansards not to hold this action against them, as they had no alternative but to obey their king. The Hansards replied that they bore no grudge: both sides were evidently eager to maintain good relations.⁹² Traders from Hanseatic towns continued to come to Bergen for centuries, even after the Hanse and the three other Hanseatic *Kontore* virtually vanished. Shared interests lasted apparently stronger than (incidental) conflicts.⁹³

These interests were directly connected to the relation of Hansards and Norwegians as *trade partners*, which was the second Hanseatic perspective on Norwegians as the 'Other'. Hansards were valued as providers of grain products and other goods, and recipients of all the fish Norwegians wanted to sell. Their efficient organization of trade, namely the established trade network in the Baltic and North Sea areas with a variety of goods on offer,

⁸⁸ For instance the account in DN 13 no. 568 and HR III 9 no. 482; Helle (1982) 768.

⁸⁹ 1446, NGL 2:1 no. 395 (DN 7 no. 431).

⁹⁰ 1476, NGL 2:2 p. 752; Ersland (2005) 51; Helle (1982) 772.

⁹¹ Helle (1982) 772–3.

⁹² HR II 3 no. 309 §§ 5–6; Nedkvitne (1999) 33.

⁹³ Similarly, conflicts within the Hanseatic *Kontor* did not put an end to the continuity of the trade, see the analysis of Lübeckish-Overijssel relations in Wubs-Mrozewicz (2008).

made them the preferred trade partners. They attained a far better position in Bergen than any other group of foreigners. As Nedkvitne pointed out, Norwegians were not forced to trade with Hansards, they *chose* to do it. Instead of bitter necessity, the reason was better opportunity.⁹⁴ On an individual level, business partnerships like they existed in the Hanse were forbidden, as has been mentioned above. A 1411 source demonstrates clearly that Norwegians were covered by the term the *Undudesche*, thus they clearly part of a different group than Hansards.⁹⁵ However, the long-lasting, reciprocal provider-client trade relationship was allowed and practised in Bergen. Especially the dealings with Norwegian fishermen as trading partners have received a lot of attention in research, stirring up discussions on whether and to what extent these fishermen were being exploited. This concerned the so-called credit system in Bergen. In essence, the system was that a Hanseatic trader, who stayed for a longer time in Bergen, advanced credit to a Norwegian fisherman (or a middleman bringing the catch to Bergen) in the form of imported goods, such as grain products, textiles, and fishing tools. In return, the fisherman was obliged to supply stockfish to his creditor until the debt was repaid.⁹⁶ As Mike Burkhardt discusses in his article in this volume, the repayment would not take place until at least the following year. In practice, it could take years. In the ‘dialogue’ source mentioned in the introduction to this article, Norwegians deplored the fact that the fishermen had to deliver their catch to the Hansards on unfavorable terms and therefore were not able to repay their debts. The response of the Hansards, however, was that it were the merchants who were being deceived: the fishermen did not deliver the fish as agreed. Moreover, the fishermen themselves chose to prolong the debt as it was to their advantage to continue to receive goods.⁹⁷ This is quite a different, seemingly irreconcilable vision of the trade relation. Still, this credit system continued to exist for centuries. One reason was probably that the rulers of Norway gave their support to Hansards in this matter, but another must have been—according to the latest research—that the credit system was advantageous to fishermen as well, after all. Their income must have been higher than that of inhabitants of northern Norway who were not involved in fishery: fishermen

⁹⁴ Nedkvitne (1983) 336.

⁹⁵ 1411, NGL 2:1 p. 656 (HR I 6 no. 38) § 1.

⁹⁶ Nedkvitne (1983) 249–52, 268–278; Helle (1982) 734–8; Schreiner (1941) 18–21; Koren Wiberg (1941); Wubs-Mrozewicz (2011).

⁹⁷ NGL 2:1 p. 257 § 28.

had to pay higher taxes. Another indicator is the remnant expensive church art in northern Norway, which shows that the fishermen were not impoverished by the credit system.⁹⁸ The very pronounced Norwegian-Hanseatic perceptions in some of the sources, which in turn have left a long-lasting impression on (older) research, should be seen as snapshots. When compared to other evidence, it appears that the relation between Hansards and Norwegians as the 'Other' was by far not only antagonistic, as the 'dialogue' source in the introduction would suggest. Otherwise the century-long interaction with Norwegians as hosts and trade partners would have not been possible.

Englishmen

Englishmen were—chronologically—the first group of foreign traders in Bergen, the 'Other', with whom Hansards had to deal with. Again, the English share in the Bergen market has been extensively researched.⁹⁹ For my purpose, it is vital to stress that Englishmen were present in the Bergen trade long before any form of 'Hanseatic' activity could be noted. There is ample evidence of English grain imports from the 1170s onwards.¹⁰⁰ The Englishmen continued to come to Bergen throughout the Middle Ages: even after a large share of the England-Bergen trade was taken over by Hansards at the end of the fourteenth century, and after this trade connection itself became of lesser importance from the second half of the fifteenth century on.¹⁰¹ To Hansards, Englishmen appeared first and foremost as *potential rivals*. This perception was due to the fact that when the Hanseatic *Kontor* was established in the 1360s, the Englishmen formed the second most prominent group of foreigners in town, after the Hansards. When the Hanseatic merchants had to leave Bergen in 1368 due to war, the Englishmen were eager to take their place. On their return, Hansards were alarmed to find the English 'still' in great numbers and depicted them as a great harm to the *Kontor* (*Unde der Engelschen coplude ligghen noch vele to Berghen, de deme copmanne groten scaden hebben ghedan in eren sculden unde copenscap*). Here, the English were portrayed as a potential threat: a group of foreign traders who could take the place of the Hansards

⁹⁸ Nedkvitne (1983) 372–6; Nordhagen (1994) 43–5.

⁹⁹ Nedkvitne (1983) 19–20; Helle (1982) 374–6; 788–90; Burkhardt (2009).

¹⁰⁰ DN 19 no. 59; DN 19 no. 59; Sverre's saga p. 110.

¹⁰¹ Nedkvitne (1983) 34, 42–4, 105, 122; Schreiner (1941) 32; Helle (1982) 790–2; Burkhardt (2007).

(and indeed did so for a short period).¹⁰² The English themselves recounted that they had conducted their trade in Bergen exactly as the *Esterlinghe* used to. This imitation apparently spurred the Hansards to action: they attacked the English and chased them away, forcing them to leave goods of great value in Norway.¹⁰³ In 1412 the English were making complaints against *illos de societate de Hansa*, reporting various iniquities in the end of the fourteenth century.¹⁰⁴ Hanseatic sources which document discussions on these events, were depicting the interaction with Englishmen as a group of other foreign traders in Bergen.¹⁰⁵ From the beginning of the fifteenth century onwards, however, a change occurred: in 1411 the *Kontor* reported that some of its merchants were disobedient and traded with the Flemish, the English and the *Undudeschen*, in this context Norwegians.¹⁰⁶ As a result, the Hanseatic resolution of 1412 strictly forbade trade with all *de in de henze nicht en horen* ('who were not part of the Hanse'), thus applying the general non-Hanseatic label to the English.¹⁰⁷ An extra layer of categorization was added, and as described earlier, it reflected the general development in the Hanse. It is evident that the label non-Hanseatic was well attached to the English by the middle of the fifteenth century: in 1450, there was an issue of Hanseatic craftsmen selling beer to Norwegians, Englishmen and others *buten der hense*.¹⁰⁸ The sources from the fifteenth century mostly recount clashes which were part of larger conflicts, among others attacks of English privateers and Hanseatic counterattacks, so they are less telling of the Hanseatic versus non-Hanseatic dichotomy in Bergen itself.¹⁰⁹ The English continued to come to Bergen, but the competition with Hansards never became fully fledged. This was partly due to the fact that there was a certain division of the market in the fifteenth century: Hansards operated on the Boston-Bergen route, while Englishmen concentrated on the connection between Bergen and Lynn. This was another take on the division of trade into Hanseatic and non-Hanseatic.¹¹⁰ Moreover, the English were now more and more oriented towards Iceland, as an

¹⁰² DN 19 no. 584 (HR I 3 no. 311).

¹⁰³ Account of 1375, see DN 19 no. 591 (HR I 3 no. 318); Nedkvitne (1983) 276. On the 'Osterlinge' terminology used by the English see Jahnke (2011).

¹⁰⁴ DN 19 no. 729 (HR I 6 no. 80).

¹⁰⁵ 1379, DN 19 no. 600.

¹⁰⁶ NGL 2:1 p. 656 § 1 (HR I 6 no. 38).

¹⁰⁷ NGL 2:1 no. 375 §§ 14, 16 (HUB 5 no. 1050; HR I 6 no. 70).

¹⁰⁸ NGL 2:2 p. 633 (HR II 7 no. 528) § 1.

¹⁰⁹ Nedkvitne (1983) 126.

¹¹⁰ Nedkvitne (1983) 122, 325; Burkhardt (2007).

alternative possibility of procuring stockfish.¹¹¹ Unlike the Hollandish trade with stockfish from Iceland (which will be discussed below), this English venture was not a threat to Hanseatic trade. The reason was that different consumer markets were involved. Hansards sold the Icelandic fish on the continent, while the English fetched it for their own market. In the sixteenth century, the English trade in Bergen was very limited, so one can say that the English content vanished from the 'non-Hanseatic' notion in Bergen.

Hollanders

Hollanders appeared in Bergen from the 1430s onwards, that is to say at a time when they clearly were not part of the Hanse.¹¹² As mentioned earlier, the early fifteenth century was also a time when the distinction 'Hanseatic versus non-Hanseatic' gained more and more importance, not least due to general Hanse-Holland relations.¹¹³ Hollanders became the emblematic 'non-Hansards' in the fifteenth and sixteenth century sources on the Baltic trade, where the phrase those *buten der henze, also Hollandere unde andere lude* was recurrent.¹¹⁴ This distinction also became the leitmotif of the interaction in Bergen.

This was particularly conspicuous in sources dealing with *rivalry* between Hansards and Hollanders in Bergen. This relation between the two groups has received most attention in research.¹¹⁵ Hansards voiced their concerns about the Hollandish presence in Bergen as early as 1437, and portrayed it as a great harm to the *Kontor*.¹¹⁶ In 1440, Hansards attacked Hollanders, taking away their goods, probably woollen textiles.¹¹⁷ They expressed the same year that they were afraid that *de nedderlage in der Hollandere macht queme*.¹¹⁸ This happened in the context of the Hollandish-Wendish war (1438–1441), and the fact that the Hanseatic traders had to leave the *Kontor*

¹¹¹ Helle (1982) 788–90; Nedkvitne (1983) 130.

¹¹² For the discussion on the engagement of Amsterdam into inner Hanseatic affairs, and consequently the question whether it can be seen as part of the Hanse in the fourteenth century and how the Hanse should be defined in this period, see Seifert (1997) 92–113 and 422–3.

¹¹³ Seifert (1999) 151–2.

¹¹⁴ For instance 1453, HR II 4 no. 196 § 8; Seifert (1997) 70.

¹¹⁵ Schreiner (1941) 110–1; Helle (1982) 800–4; Nedkvitne (1983) 146, 248–52, 326–35; Riis (2005) 39–40; Bugge (1897) and (1898); Bull (1930).

¹¹⁶ HR II 7 no. 464.

¹¹⁷ NGL 2:1 p. 246 § 3.

¹¹⁸ 1440, HR II 2 no. 397 (BGO no. 1459).

during the conflict. Like the English, Hollanders took advantage of the Hanseatic absence in Bergen to take part in the fish trade.¹¹⁹ In the course of the fifteenth century, Hollanders gained several privileges in Bergen.¹²⁰ It has been argued that these privileges were granted to counterbalance Hanseatic rights, yet a systematic analysis shows that this was hardly the case.¹²¹ The only advantages Hollanders had were the right of retail,¹²² which was not of major importance in the overseas trade of Bergen, and the right to sail to Iceland and the tributary islands.¹²³ In crucial issues they were in a much worse position than Hansards: Hollanders were very limited in their winter residence,¹²⁴ their residence was for some time limited to two-three tenements,¹²⁵ the number of Hollandish ships allowed to come to Bergen was limited,¹²⁶ and they were not allowed to extend credit to Norwegian fishermen.¹²⁷ It appears that Norwegian rulers, if they had to choose between the two groups of foreigners, in the long run preferred Hansards.¹²⁸ This was due to the Scandinavian politics, where the rulers of Norway repeatedly needed the support of the Wendish towns, especially Lübeck.¹²⁹ The active lobbying of Hansards in this respect must have also played a role. In the sources which reveal it, the 'non-Hanseatic' element is paramount. In 1469, Hansards wanted to prevent non-Hansards like the Hollanders and others (*sulke lude buten der Hansze, alse Hollandere unde meere*) from trading outside of Bergen and conducting excessive trade in

¹¹⁹ Seifert (1997) 290–3, 421–2; Nedkvitne (1983) 143.

¹²⁰ Detailed chronological discussion of the rights in Wubs-Mrozewicz (2005) and Wubs-Mrozewicz (2008) 64–81; see also Helle (1982) 802.

¹²¹ Riis (2005) 39–40; Hoffmann (1999) 130; Stoob (1995) 258–9.

¹²² Implicitly allowed in 1443, NGL 2:1 no. 124 (DN 5 no. 720).

¹²³ 1490, NGL 2:3 no. 51 (DN 6 no. 609); *Handvesten*, vol. 1 pp. 55–56; Hamre (1971) 103–4.

¹²⁴ In 1507, it was decided that only three to four Amsterdam traders were allowed to stay in Bergen, see NGL 2:3 no. 191 (DN 6 no. 647; *Handvesten*, vol. 1 p. 57); Hamre (1971) 213–5. In 1560, it was specified that these traders were only allowed to guard their goods, not trade in the winter, see Fossen (1979) 27; NRR 1, p. 287 (29.03.1560) and p. 297 (23.07.1560).

¹²⁵ 1471, NGL 2:2 no. 127 (DN 7 no. 471; regest in HR II 6 no. 432); 1490, NGL 2:3 no. 57 (DN 6 no. 610; HR III 2 no. 369; BGO no. 2880). After 1507, it was probably not valid anymore, see Wubs-Mrozewicz (2008) 74, 120–1.

¹²⁶ To one ship at a time, 1469 NGL 2:2 no. 121 (DN 7 no. 468; HR II 6 no. 275); Bruns (1900a) XIII; Schreiner (1941) 34. In 1470, it was specified that they could come with one ship as often as they pleased, see NGL 2:2 no. 123 (DN 5 no. 869; HUB 9 no. 729); Wubs-Mrozewicz (2008) 74.

¹²⁷ *Handvesten* I p. 57; DNT I p. 663.

¹²⁸ 1469, NGL 2:2 no. 127 (DN 7 no. 471); 1560: *Handvesten* I pp. 59–60; DNT I p. 663; Wubs-Mrozewicz (2008) 69–70, 79–80.

¹²⁹ Schreiner (1941) 34–40; Olesen (2003) 747–9, 755, 759–64.

smallwares.¹³⁰ In 1471, Hansards intervened again against those who were *buten der hensze begrepen, sunderghes de Hollandere*, clearly demarcating Hollanders as non-Hansards and their presence as contrary to Hanseatic interests.¹³¹ In the 1480s, Amsterdammers complained that they were being hindered in their trade by Hansards, and protested against acts of violence.¹³² At the end of the fifteenth century, Hansards portrayed Hollandish trade in Bergen as a nuisance.¹³³ The clashes continued: in 1504, Amsterdammers claimed again they were being impeded in their trade by the *Kontor's* administrators, who prevented Hollandish trade with anybody *van der Dudesschen natien*.¹³⁴ It was the task of the administrators to maintain the division Hansards and non-Hansards in Bergen.¹³⁵ The Hollanders also remarked that the *Kontor* merchants were deliberately disregarding the king because they were so confident of their position in Bergen.¹³⁶ In other words, other foreigners hardly stood a chance in Bergen. The opposition seemed stark, and ran constantly along the Hanseatic and non-Hanseatic line. In the 1540s-1560s, Hansards were again lobbying against Hollanders and their trade in Norway, pointing towards them as their non-Hanseatic adversaries. Yet again, Hansards proved to be the most powerful group of foreigners in Bergen.¹³⁷ It is striking that Hansards continuously used the 'Hanseatic versus non-Hanseatic' rhetoric in respect to Hollanders in the Bergen context, making them emblematic non-Hansards just like in the context of the Baltic trade, despite the fact that the Hanseatic position was relatively safe thanks to the privileges and the policy of the kings.

¹³⁰ NGL 2:2 no. 121 (DN 7 no. 468; HR II 6 no. 275); Bruns (1900a) XIII; Schreiner (1941) 34. In 1470, it was specified that they could come with one ship as often as they pleased, see NGL 2:2 no. 123 (DN 5 no. 869; HUB 9 no. 729).

¹³¹ The issue was the extent of the Hollandish settlement and the number of ships coming to Bergen, see NGL 2:2 no. 127 (DN 7 no. 471; regest in HR II 6 no. 432). Also against Hollanders and other people ('Oick wedder die Hollender unde andere personen'), NGL 2:2 no. 127 C; TAL Deventer, 690 Schepenen en Raad, no. 434-3.

¹³² Municipal Archives Amsterdam, Groot Memoriaal I 1474-1825, no. 5023, 1480, fol. 139 (calendered in HR III 1 no. 247); 1481, fol. 161 (BGO no. 2744) and 1484, fol. 189 (HUB 10 no. 1143); 1481, MA Amsterdam, Groot Memoriaal I 1474-1825, no. 5023, fol. 161 (BGO no. 2744). See also Wubs-Mrozewicz (2007).

¹³³ 'Hollendrene sto them myghet til skadhe ok forfangh', 1490, NGL 2:3 no. 57 (DN 6 no. 610; HR III 2 no. 369; BGO no. 2880).

¹³⁴ NGL 2:3 no. 395 (HR III 5 no. 1 § 135-138; HR III 5 no. 5 § 9; HR III 5 no. 7 § 3).

¹³⁵ Wubs-Mrozewicz (2008) 82-99.

¹³⁶ HR III 5 no. 1 § 137; Nedkvitne (1983) 267. Compare HR III 5 no. 1 § 135 and no. 5 § 9 and Schreiner (1941) 39.

¹³⁷ Wubs-Mrozewicz (2008) 76-80.

It is another example of how the image of the 'Other' did not precisely represent the mutual relations.¹³⁸

Furthermore, it must be noted that the Hanseatic-Hollandish conflicts were not about the main issue in the Bergen trade, that is the exchange of fish against grain products, textiles and other imports desired in Norway. Rather, they revolved around smallwares trade, acts of violence and especially Hollandish fish trade outside of Bergen, that is on Iceland and Trondheim, which had a negative effect on the Bergen trade. Like the English, Hollanders apparently chose to fetch their fish elsewhere as their possibilities in Bergen were limited through the royal privilege policy and the Hanseatic credit system.¹³⁹ Their fish trade *in* Bergen was much more unthreatening to the *Kontor* because Hollanders bought most of their fish from the Bergenhus castle, Norwegian noblemen and clergy, and not from Norwegian fishermen or their middlemen.¹⁴⁰ At times Hollandish fish trade in Bergen even was in the interest of the *Kontor*: there is evidence that Hollanders (occasionally) were clients of the *Kontor*.¹⁴¹ This shows that Hollanders as non-Hansards did not function solely as rivals to the *Kontor*. In a limited way, one can speak of *co-existence* and *shared trade interests*. The latter is especially clear in the issue of joint shipment of goods by Hollanders and Overijsslers, who were Hansards and *Kontor* members. In principle, the shipment of goods on non-Hanseatic ships was banned, as it has been mentioned above. However, Overijsslers in Bergen were granted exemption from it, on condition that they could present valid reasons. The issue remained controversial in the *Kontor* for a long time, but the exemption was never dismissed.¹⁴² Hollanders, even

¹³⁸ Compare McKee (2003) on Venitian Crete, where as she points out, utterances of members of opposite groups should not be taken at face value.

¹³⁹ The fact that the majority of the Norwegian fishermen were indebted to Hanseatic traders must have obstructed large-scale fish export by Hollanders, which may explain why there is only occasional evidence for their trade with Norwegian fishermen. For Hollanders there was basically no room for expansion, since the system had been well established before they arrived Bergen, and Hansards were backed in their credit claims by the Norwegian authorities. It must be noted that there is hardly any evidence that Hollanders tried to interfere with this system in a way which would have threatened the *Kontor*: sources do not indicate any structural attempts by Hollanders to break into the credit system, see Nedkvitne (1983) 327; Wubs-Mrozewicz (2008) 181–8.

¹⁴⁰ NRJ 1 p. 365, 348, 655; NRJ 2 p. 552; Nedkvitne (1983) 327.

¹⁴¹ HR III 7 no. 154 § 8; NGL 2:2 p. 741 (HR II 7 no. 343) § 15; NGL 2:2 p. 748 (HR II 7 no. 391) § 19. Nedkvitne (1983) 327.

¹⁴² 1449, HR II 3 no. 546 § 8 (BGO no. 1958); NGL 2:2 no. 416 § 22; 1469, NGL 2:2 p. 733 (DN 6 no. 568; HR II 6 no. 188) § 6; compare 1476, NGL 2:2 p. 737 (HR II 7 no. 342) § 20; 1507, NGL 2:3 no. 397 (HR III 5 no. 243) § 185; Wubs-Mrozewicz (2008) 160–3.

though still defined as non-Hansards and the 'Other', could be perceived as trading partners by some members of the *Kontor*. The boundary between Hanseatic and non-Hanseatic did not have to be rigid in all aspects.¹⁴³

IV. Conclusion

In conclusion, the Hanseatic interaction with Norwegians, Englishmen and Hollanders conforms in many respects with the way medieval merchants in general dealt with the 'Other'. These non-Hansards were perceived in the categories of hosts, neighbors, trading partners, clients and competitors.¹⁴⁴ Norwegians were primarily hosts, neighbors and trading partners to Hansards. The 'dialogue' source mentioned in the introduction to this article, as well as other sources and older research, suggest that the interaction with Norwegians as the 'Other' resulted in tension and conflict. And in turn, that Norwegians often portrayed the interaction in negative terms. However, it must be noted that these negative perceptions (recorded as snapshots in the sources) did not have to worsen relations in the long run. Quite the contrary, century-long contact would not have been possible if the roles 'guest-host' and 'trading partners' resulted only in tension. In contrast, Englishmen and Hollanders were primarily seen in the sources as competitors, even though the image of the rival and (potential) threat, which was also influential on the way the relations were analysed in research, did not always match reality. Other sources show that Hansards had no real reason to fear competition of the English or Hollanders in Bergen, as the Hanseatic position as foreigners in Bergen remained firm for a long time thanks to their privileges, the economic policy of the rulers and the relations which had been built up with Norwegians. Eventually, the balance of their rights tilted in the sixteenth century when their hosts, the Norwegians, became more active in trade. The perceptions of the roles in which non-Hansards were cast ranged thus from positive ones, as contact with the 'Other' was essential for the existence of the Hanse, through neutral to negative ones when the 'Other' could pose a (potential) threat.

¹⁴³ Also, there could be divisions within the Hanseatic group in Bergen, depending on the issue, see the analysis of Lübeckers and Overijsslers from the perspective of changeable ingroups and outgroups in Wubs-Mrozewicz (2008).

¹⁴⁴ I would like to stress that in the context of this article, the term 'neighbor' is general, not referring to the specific term *naber* which was an internal designation of Hansards living within one tenement in Bergen (i.e. as neighbors), see for instance Helle (1982) 738.

Another significant trait was the difference between norm and practice in the interaction with the 'Other'. While there were plenty of rules pertaining the Bergen *Kontor* (as well as the other Hanseatic *Kontore*) which prescribed various ways of separation from the 'Other', be it Norwegians, Englishmen or Hollanders, the practice was different. In many aspects, Hansards chose to circumvent these rules, for instance in contact with Norwegian women or making use of Hollandish ships. As long as it did not threaten the functioning of the *Kontor*, such dealings were tolerated. This divergence between norm and practice was certainly no exclusive feature of the interaction between Hansards and non-Hansards. Rather, it was anchored in the way traders in the late Middle Ages—and people in general—dealt with rules, that is bending them to specific situations and needs.

That being said, the trait which distinguished Hanseatic traders in Europe was the governing idea of the binary 'Hanseatic versus non-Hanseatic', which was increasingly present from the first half of the fifteenth century onwards. It was an umbrella for other, more specific categorizations of the 'Other' like Norwegians, Englishmen or Hollanders. Such a division was quite unique in the medieval mercantile world: perhaps only to be compared with the binary Christian and non-Christian; yet the latter was established on non-mercantile grounds. This categorization not only shows how Hanseatic merchants wanted to deal with others who were not part of their organization, but it also discloses some aspects of what 'Hanseaticness' meant to them. It must be stressed that norms on relations between Hansards and the 'Other' were more pronounced and continuous in the Hanseatic *Kontore* than in the Hanseatic towns. If we are to invert the image from the *normative* sources on the Bergen *Kontor*, a Hansard was a trader who was to deal with goods belonging to members of the same organization, make use of their ships, focus on establishing partnerships with fellows, employ and have social contacts only with those who both claimed and were considered to be members of the same organization. The sources on the *actual interaction* of Hansards with the three groups in Bergen show that a Hanseatic merchant could follow a hard line to keep this division, employing both diplomacy and violence, but that there could also be room for co-existence and cooperation. Also, the Bergen case shows that while the term non-Hansard continued to be used in Bergen and in the Hanse in general in the sixteenth century, its content changed. This reminds us that while medieval (and post-medieval) group tags can be long-lived, one always has to re-evaluate their meaning in specific contexts. The distinct presence of the concept of the 'non-Hansard', and its implications for the actual contact with the 'Other', makes the Hanse a remarkable chapter in medieval studies of alterity.

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THAT WELL-GROUNDED ERROR: BRUGES AS *HANSESTADT*

James M. Murray

The 'loss' of the archives of the Bruges *Kontor* of the Hanse on 3 March 2009 reminds us of a long history of Hanseatic presence and absence in Bruges. Before their presumed destruction in the collapse of the *Historisches Archiv der Stadt Köln*, the registers and documents attesting to centuries of community life in Bruges had resided longer in that city (since 1591), than in the city of their origin.¹ Even the buildings that once stored the Hanse archives in Bruges either do not survive—the old Carmelite monastery—or are unrecognizable in their current state—the Oosterlinghen house. Yet the strong identification of Bruges with the Hanse continues both in the mistaken belief of many that Bruges was once a member of that fractious body of trading cities, and in the prominence that the Hanse received in the Bruges city initiative as European Cultural Capital in 2002, which resulted in a major exhibition: Hanze@Medici.² Why is it that this strong association of Bruges as *Hansestadt* continues, when in reality the city was only one of four *Kontore* the Hanse established at the corners of its chief trading region? The purpose of this essay is to explore this seeming 'atypicality' through a consideration of what recent (since c. 1990) research has added to what we know about the Hanse in Bruges and a concluding consideration of the role that Hanse history played in the profile of 'Bruges, Cultural Capital of Europe, 2002.'

Despite the twenty-first century attention given to its Hanse past, native Bruges historians and historians of Flanders in general showed little interest in the subject in the early days of 'scientific' history of the city.³ The first initiatives came exclusively from German historians,

¹ The fate of those archives remains unclear a year after the collapse; in recent (2010) reports it seems that most of the medieval collection survived albeit with water damage to some documents. At the very least, it will be some time, perhaps years, before they are again accessible for the researcher. See <http://www.stadt-koeln.de/5/kulturstadt/historisches-archiv/>.

² There were three major exhibitions in that year—yet H@M was the least successful, attracting 'only' 50,000 visitors after receiving mixed reviews from critics.

³ Members of the local historical society, Société d'Emulation/Genootschap voor Geschiedenis, founded in 1844, showed little interest in the subject of Hanse-Bruges relations; see Vrielinck and Van Eenoo (1989).

who between 1880–1930 produced a large number of publications based mostly on sources held in German archives. Very few of these scholars even visited the important archives of Flanders and northern France.⁴ The most important work that resulted for the history of Bruges, and by extension its Hanse past, was Rudolph Höpke's *Brügger Entwicklung zum mittelalterlichen Weltmarkt* published in 1908. That work and a few others remained the best histories of the Hanse in Bruges until the 1980s. From 1985, beginning with an exhibit in Hamburg,⁵ followed by a collaborative research project—*Hanse in Flandern*—at the University of Kiel, under the direction of Professor Werner Paravicini, interest in the subject has considerably increased. And unlike German historians of the Hanse of the past, recent German scholars have spent considerable time in Belgian and French archives in search of new material and practicing new methodologies.⁶ A survey of the results of this new interest in Bruges and the Hanse, with the question of Hanse exceptionality among merchants of Bruges, and Bruges's atypicality among the *Kontor* cities, is a good starting point of exploration.⁷

Hanse history begins in Bruges with Countess Margaret and her son Guido of Dampierre granting a privilege to 'merchants of the Roman empire and of the city of Hamburg' in 1252. Most of the privileges are consistent with those granted to other groups of foreign merchants.⁸ But as the earliest historian of these privileges noted, a second charter issued in the same year addressed to merchants of the Roman empire, (Cologne, Dortmund, Soest, Münster and 'all those allied with them') made a request for a separate German enclave—a New Damme—to be located near the like-named Bruges outpost.⁹ Traditionally, this attempt at a merchant enclave was thought consistent with the Hanse practice in other *Kontor* cities—namely the London Steelyard, and the Novgorod Peterhof. The

⁴ There were exceptions, such as Walther Stein and Heinrich Sieveking, the latter visited the Bruges city archives and first identified the early moneychangers' account books kept there.

⁵ The essays accompanying the catalogue of the exhibition in Hamburg and Rostock (1989) have been up-dated and published: Bracker (1998).

⁶ The University of Greifswald later joined the project, resulting in two colloquia on the subject and the 2002 exhibit. For conference proceedings see Paravicini et al. (2000).

⁷ I must acknowledge here the work of my co-author of a forthcoming edition and commentary of moneychanger accounts in Bruges, Anke Greve, whose unpublished doctoral dissertation (1998) has been used in the preparation of this essay. For some of Greve's conclusions see (2001) 259–96.

⁸ Stein (1902) 83–5.

⁹ Henn (1989) 43–66.

rejection of this proposal marked a significant point of difference between the Hanse and its host city, Bruges, where Hanse merchants lived and worked ostensibly among the Brugeois and fellow merchant strangers.¹⁰

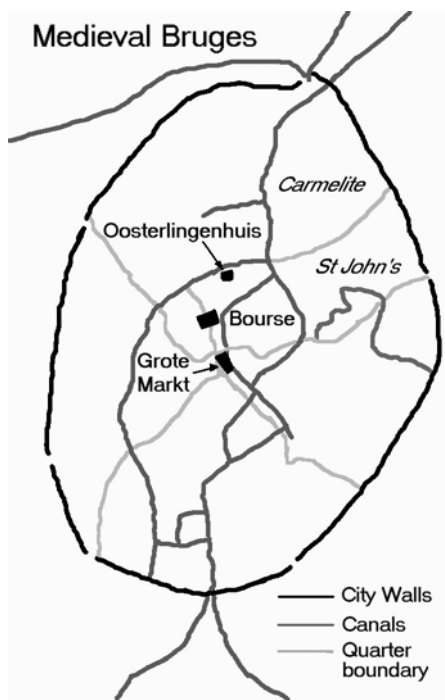
A closer look at these negotiations reveals a significant power struggle behind the scenes. By the mid-thirteenth century, Bruges had already emerged as the central point of foreign merchant settlement and trade, so that although the privileges granted merchants were theoretically valid throughout Flanders, it was Bruges that was critical. Yet precisely at this time, the larger cities of Flanders were establishing independent spheres of interest over the surrounding countryside and the smaller towns within it. Conflict with the count or countess could result from the fact that smaller towns, like Damme and later Sluis, were creations and possessions of the sovereign, who stood to profit from trading activity located there. Bruges city government pursued a policy of rendering these communities *villes manquées*—dependent on their larger neighbor for essential business services and controlled through legal and social institutions.¹¹ Bruges very probably opposed the creation of yet another *Städtchen* that threatened competition on its border. So Hanse merchants were thrown upon the commercial infrastructure of their Flemish hosts.

Where did Hanse merchants come to live, work and gather in medieval Bruges? Much like other foreign merchant communities, they established relationships with commercial hostels, local religious orders, and denizens from their member cities. This marked a considerable departure from Hanseatic 'colonization strategy' of Baltic and other commercial areas, for Hanse merchants had to adapt themselves to Flemish customs and not vice versa. For food, shelter, and warehousing facilities, foreign merchants turned most often to the hostel, where already in the fourteenth century hostellers had come to specialize in hosting particular groups of foreign merchants, thus offering an entrée into the legal, social, and commercial world of Bruges. For a meeting space, the Hanse utilized the refectory of the Carmelites of Bruges, where it also stored its archives. For over two centuries this remained the corporate space for meetings of the corporation itself. And last but not least, Hanse merchants came to acquire property and houses situated in the prominent merchant districts of the city.¹²

¹⁰ Henn (1999) 131–42.

¹¹ Murray (2005) 28–38.

¹² See van Houtte (1967 and 1982) and Blockmans (1992) 41–55.



Map 1 Medieval Bruges

This atypical 'Bruges Model' of Hanse settlement has led too easily to the generalization that Hanse merchants lived *zerstreut*—scattered through the city. In fact, by the fourteenth century, Hanse merchants had concentrated themselves in the hostels of the two most commercial administrative districts of the city, namely the Carmelite and St John's quarters. Not by chance, it was in this area near the Bourse square, along the northerly canals which led to Damme, within a short walk of the Grote Markt, that Hanse merchants acquired property. This in turn became the site of the guild house of the Hanse, the *Oosterlingenhuis*, completed in 1478, which gave its name to the square the building dominated.¹³ Ironically, the final achievement of a guild house came shortly before the virtual abandonment of Bruges by the Hanse for Antwerp after 1500. In constructing a symbol of their merchant community on sites they had long occupied,

¹³ Hanse merchants had acquired property in the 'Cromme Wal' already in the fourteenth century; see Murray (2005) 33. For the architecture of the Hanse guildhall, see Devlieger (2000) 13–32.

Hanse merchants followed a tendency they had in common with their Florentine, Genoese, and Iberian merchant brethren.¹⁴

Hanse merchants were, however, atypical of other foreigners in Bruges in a number of ways. By the 1360s, they were certainly the most numerous of all foreign merchants in the city, a suspicion that with recent research has acquired even greater certainty.¹⁵ The reason for such numbers is not equally clear. It is likely that the period from 1360–1390 was the height of Hanse activity in Bruges, coinciding with the acquisition of far-ranging and unique privileges in the wake of the blockade of 1358, an action that contributed to a much greater degree of cohesion among Hanse member cities themselves, under the guiding hand of Lübeck. An example of the effect of these new business opportunities is the possibility and popularity that Cologne merchants pursued of owning and running their own *Weinstube* in Bruges, as many did in their native city. They could thus profit from both the vertical integration of being both importer and retail seller of Rhine wine, partly subsidized by the favorable tax exemption granted Hanse merchants in the 1360 privileges.¹⁶ Cologne importers sometimes operated these establishments in partnership with Bruges hostellers.

It was precisely these new privileges that provide the most significant new source of data about Hanseatic merchants in Bruges. As a consequence of negotiations, Hanse merchants obtained a tax exemption of 50% of the wine excise and 70% of the excise on beer, for any and all quantities consumed in the city. In order to keep track of who and how much was owed, the keepers of the city accounts recorded the names of merchants, the hostellers with whom they resided, and the quantities of beer and wine exempted. Roughly half of the thirty accounting years 1360–1390 are documented, and fourteen of the surviving accounts have lists of Hanse merchants, who number some 1020 individuals in total. The list is starkly divided in two between 1360 and 1382, when trade was broken off during the Ghent war, with a short resumption between 1385 and 1388, when the *Kontor* was moved to Dordrecht and Bruges was blockaded once again in a commercial dispute.

Since 1992 and the publication of the city accounts by the Kiel Research group led by Professor Werner Paravicini, several studies of Bruges and

¹⁴ All of these merchant groups had either taken over commercial hostels or constructed their own guildhalls in commercial neighborhoods in the course of the fifteenth century. See Ryckaert (1991) and Henn (1999) 134–41.

¹⁵ See discussion of the Kiel prosopographical project below.

¹⁶ Murray (2005) 207–8; Herborn and Militzer (1980) 42.

the Hanse have appeared.¹⁷ These have utilized a variety of methodologies to probe the sources and deepen our understanding of Hanse relations with Bruges and Flanders in general, from memorials to the individual merchant communities from Hanse member cities. The most significant addition to our knowledge is contained in volume 3 of the *Hansekaufleute im Brügge* series, which completes the project of identification of many of the Hanse merchants named in the city accounts between 1360–1390.¹⁸ The mass of individual and group data has not been fully digested by historians working in this area, though reviews have been laudatory.

By 1350 at the latest, Hanse merchants were deeply embedded in the payment/credit system that had Bruges at its center. While in Bruges, most Hanseatic merchants resided with a trusted hosteller who offered deposit-banking services by taking deposits and noting and transferring balances across his ledgers, often in conjunction with a Bruges moneychanger. We have the accounts kept by hostellers with two Bruges moneychangers in the 1360s, and it is clear that hundreds of Hanseatic merchants made use of this system of book transfers.¹⁹ Moreover, these merchants employed their accounts as a means of payment for purchases made outside of Flanders, by simply exchanging a balance in Bruges to complete a purchase. Hanseatic merchants also used their Bruges hostels as what medieval lawyers called *loci credibiles* (places invested with special authority) in the drawing up of contracts and agreements.²⁰

Another advantage enjoyed by Hanse merchants in Bruges was language, given that the West Flemish spoken in the city was intelligible to speakers of Low German, the *lingua franca* of the Hanse, which varied from the Westphalian to Lübeck dialects depending on the geographical origins of the merchant. In effect, without much exaggeration, the entire *Hanseraum* including England was unified by a kind of Low German/Netherlandish merchant patois comprehensible from London to Riga. This “language” gained prominence as a written language in both formal and informal documents in the course of the fourteenth century, for example the statutes of the Bruges *Kontor* written in Westphalian

¹⁷ Publications of the Kieler research project: Krüger (1992); Asmussen and Paravicini et al. (1999); Asmussen (1999); Dierck (1999); Rössner (2001); Exhibition catalogue: *Hanzekooplieden en Medicibankiers* (2001). In addition there are two documentaries made for television: NDR, *Die Hanse*, 2002; ARTE, *Die Hanse*, 2003.

¹⁸ Dierck (1999).

¹⁹ Greve/Murray, for the account of hosteller Edele de Rudevorde; also see Murray (2005) 318–20.

²⁰ Murray (2005) 243–5.

Low German in 1347, and remained the language that Englishmen considered to be 'Deutsch' well into the sixteenth century.²¹ On the other hand, Bruges offered German-speakers the advantage of a link to the French-speaking merchant world of southern trade. Italians, French, and Iberian merchants conversed in French when in Bruges, a language that also gave them entrance and access to the social elite of the city, especially after 1384 when French became the exclusive language of the ruling dynasty. Knowledge of French was a *sine qua non* for Flemish merchants, so Hanseatic merchants could also expect their Bruges hostellers to represent them in the other great merchant language spoken in Bruges.²²

The last atypical aspect of the Hanse in Bruges is surely the degree to which its merchants were involved in the religious and charitable life of the city. The English and Hanseatic merchant communities were the earliest founders of altars and chapels in Bruges churches. The *Kontor* favored the Carmelites but also made annual donations to Franciscan and Dominican convents in Bruges, and had burial space for its members in the Augustinian church. The Hanse as a corporation also contributed to the construction and decoration of monastic and parish churches in the late Middle Ages. In a recent study of the Poor Tables of Bruges, a major source of poor relief, the Hansards were found to be the only foreign merchants to appear among benefactors.²³ Given that this form of poor relief was organized and administered at the parish level, this shows unusual integration into the religious fabric of the city. And like the guilds of native Brugeois, Hanseatic merchants took part in important civic processions in conjunction with religious holidays, entries of rulers, and other celebrations of what amounted to 'Civic religion'.²⁴

If the fourteenth century history of the Hanse in Bruges is one of integration, that of the fifteenth century seems to be one of dis-integration. For reasons that are still far from apparent, the importance of Bruges declined steeply after the resolution of the Hanseatic embargo in 1392, so that the city's *Kontor* gradually became a symbolic rather than a true center of Hanseatic commercial interests in the Low Countries. Thus even as the tower atop the Easterlings' house was completed and the centuries

²¹ Nicholas (2009) 192–5; German translators in England were often Flemings; throughout the medieval and early modern period the English confused those from German-speaking Europe as 'Dutchmen' or 'Flemings'.

²² See Nicholas (2009) 183–5.

²³ Galvin (1998) 149 for the foundations of Hanse merchant, Heinric van Herresten.

²⁴ Brown (2011); Murray (2005) 225–6.

of archives were moved from the Carmelites to their new repository, probably more merchants were at work in Antwerp than in Bruges.

What happened to bring on this change? Relations were sometimes difficult even with the resolution of conflicts in 1392. Piracy in the channel and the North Sea flared around 1400, with the spectacular attacks of the Flemish pirate Jan Crabbe, and those of the Victual brothers of particular significance.²⁵ Time and again, Hanseatic merchant ships were the targets of attacks with little help or protection coming from the Flemish fleet. In the 1430s tensions rose over English/Flemish trade relations, leading to violence against Hanseatic merchants in Bruges's harbor city of Sluis. An unknown number of merchants were killed, with some sources reporting between seventy and eighty victims.²⁶ General violence broke out in a revolt of Bruges against the Burgundian duke in 1436, which caused the *Kontor* to move to Antwerp until 1438, with the full support of the Burgundian duke. The mid-fifteenth century brought little calm in Flemish/Hanseatic relations, as the centralizing power of the dukes increased vis-à-vis the cities, and the Hanse struggled with poor relations with the duke and excessive trust in the solidarity and influence of the Flemish *Vier Leden* (Four Members) the administrative council of the leading Flemish cities and rural area around Bruges. Even the old method of forcing change—the embargo—lost its effect, as the 1451–1457 abandonment of Bruges was widely ignored by member cities and became the last embargo of Flanders by the Hanse.²⁷

Perhaps more serious than political turmoil, was a change in the workings and structure of the Bruges credit/finance network centered on the hostel. This was first a macroeconomic shift that deprived Bruges hostellers of their leading financial role, leading to an emerging system of public and private finance and trade in urban rents that grew up around the Bourse square around 1450.²⁸ Secondly, the formerly close business relationship of Hanseatic merchant and Bruges hosteller decayed and was replaced with a new independence and more varied involvement in the Flemish economy by many Hanse merchants. The decline of the centrality of the Bruges hostel began naturally enough in several bitter disputes between the city government of Bruges and the Hanse. The issue was losses suffered by Hanseatic merchants in cases of bankruptcy of a

²⁵ Nicholas (2009) 313.

²⁶ Paravicini (2007) 517–59; Dumolyn (1997) 68–9.

²⁷ Blockmans and Prevenier (1999) 164–5.

²⁸ This process is the subject of my current research on the development of the money and commodity markets of Bruges.

Bruges hosteller. The city had agreed to cover such losses in the 1360 privileges, as it had long done in the case of bankruptcies of moneychangers. But a series of costly failures, especially that of the hosteller Edele van Ruddervorde around 1370, caused the city to renege on (or reinterpret) this privilege and refuse to reimburse merchants who had suffered losses. There followed a long and bitter dispute in this particular case, which the count of Flanders resolved in 1374 in favor of the Hanse, although he refused to allow that reversal to constitute a precedent.²⁹ By 1477, the people of Bruges were complaining that Hanse merchants had acquired their own houses, forsaking the hostels altogether.

The precise tempo of change and decline still awaits careful investigation, but it is clear that by 1475 many Hanseatic merchants had shifted both their business and residence to Antwerp, leaving Bruges as only a symbolic seat of the Hanseatic past. Yet many questions remain to be answered, especially for the fifteenth century. How did business practice and strategies change for Hanseatic merchants in that century; and for which cities of the Hanse? Can and should we speak of one 'Hanse' in either the fourteenth or fifteenth centuries? What of the continuing importance of Bruges as a financial center in the fifteenth century? Did Hanseatic merchants remain so long in order to profit from the ease of finance in Bruges? These and many other questions still await their historian.

And this returns us to the enigma of the exposition *Hanze@Medici*, intended as the grand historical complement to Bruges's year as Cultural Capital of Europe. That it met with less than resounding success calls into question perhaps some of its organizing ideas. Among these is clearly an appeal to the supra-nationalist sensibilities of the contemporary European Union. Neither the Hanse, nor certainly the Medici equaled in economic importance the centuries-long trade and interdependency of Flanders/England. It is likely in fact that Hanseatic trade had a brief efflorescence of significance between roughly 1360–1390, followed by a decline and then removal from Bruges altogether. Thus, in reality, Bruges was only very briefly in its history a 'Hansestadt' in its role as a center of trade and residence for the restless merchants of those North Sea and Baltic towns, which made up the Hanse.

²⁹ It is likely that the decay of the Hanse/hosteller system was a symptom of broader changes in the Bruges market that signaled a new era of business and manufacturing organization dedicated to meeting the material demands of the new Burgundian/Urban elite culture; Stabel (2000) 15–35 raises some of these questions.

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SMALL IS BEAUTIFUL: WHY SMALL HANSEATIC FIRMS SURVIVED IN THE LATE MIDDLE AGES

Stuart Jenks

Some thirty years ago, Wolfgang von Stromer launched a savage philippic against the medieval Hanse. Compared to their counterparts in northern Italy and southern Germany, Hanseatic merchants were simply not up to the mark. Not only did Hanseatic towns lack technologically demanding forms of production like metallurgy, metal-working and precision engineering, they also failed to pursue policies designed to promote innovation and to finance research and development. Advanced systems of production like the putting-out system were all but unknown, not to mention large companies with enormous capital resources and modern, quasi-capitalist organizational forms like cartels and world-wide monopolies. Worse yet, the Hanseatic world had no banks, nor indeed anything resembling a sophisticated financial system. Hanseatic bookkeeping was primitive and Hanseatic merchants were infinitely slow to master advanced finance techniques like foreign exchange arbitrage. In short, the Hanse was backward in almost every way.¹

While one might well take issue with the teleological bent of von Stromer's philippic, it is indisputable that his case has not been answered. Indeed, it raises a crucial question, which the master himself carefully avoided: why did the Hanse survive? After all, as Kedar has shown, the collapse of the *pax Mongolica* around 1350 subjected Italian commerce to intense pressures, shaving profit margins to the bone and forcing the Italians to rationalize all aspects of business in order to turn a profit in the intensely competitive environment of the inner-core area.² Moreover, as the experience of our days shows, inefficiently run businesses will inevitably be gobbled up by their leaner and meaner competitors. Nevertheless, the Hanse, deemed backward, not only survived for some 500 years, but indeed prospered. The question is: why?

In this paper I hope to sketch out a preliminary answer. The place to start is, I think, with the nature of the firm. Hanseatic firms were, from the

¹ Stromer (1976) 205–10.

² Kedar (1976) 23–37.

outset, small and transitory partnerships, consisting of an active partner (*socius tractans*) and a sleeping partner (*socius dormiens*), who pooled a modest amount of capital—typically 100 or 200 marks—in a 1:1 or 1:2 ratio, dividing the profits equally when the partnership was liquidated a few years later.³ These Hanseatic partnerships were obviously a far cry from South German companies like the *Große Ravensburger Gesellschaft*, which counted some 70 to 80 members, had a capital stock in excess of 100,000 florins and lasted from 1380 to 1530.⁴ But there was another, perhaps more significant difference: in the Hanseatic North, there was no objection to a merchant's entering multiple partnerships.⁵ Hermann Mornewech, for instance, was a sleeping partner in a total of 22 partnerships in early fourteenth century Lübeck.⁶

Between 1370 and 1420, Hanseatic partnerships evolved in response to the emergence of the sedentary merchant. Gradually, the distinction between the *socius tractans* and the *socius dormiens* disappeared, as each partner sent merchandise to the other, who in turn sold it and sent goods back.⁷ Moreover, one central, medium-term partnership began to take priority over a host of satellite short-term partnerships,⁸ and this hierarchical structure came to be reflected in merchants' bookkeeping, with separate accounts being maintained for each partnership.⁹

Now, even this brief survey will have made it obvious that Hanseatic firms were incapable of performing the tasks which von Stromer thought essential for business success in the late Middle Ages. Their capital stock was utterly inadequate for long-term investment in innovative technology and production facilities. Moreover, since the partners were autonomous in their trading activity and therefore not obliged to report on their activities or obey orders from headquarters, exchange arbitrage, which depended upon having a large, stable network of branches with surpluses which could be drawn upon and remitted around the world as headquarters directed,¹⁰ was simply beyond them. Finally, since no one partnership

³ Cordes (1998) 276–97.

⁴ Schuler (1999) 488.

⁵ Things were very different in South German corporations, where the principals were forbidden from investing in any other corporation (Lutz (1976) 307–21, correcting Bauer (1936) 27–9, 68–9). Only in the case of the *Saigerhandelsgesellschaften* was this so-called *Konkurrenzverbot* (*Wettbewerbsverbot*) inoperative (Westermann (1991) 583).

⁶ Cordes (1998) 302; Cordes (2003) 8.

⁷ Cordes (1998) 310–1.

⁸ Cordes (1998) 309.

⁹ Cordes (1998) 328.

¹⁰ Roover (1968) 49; Stromer (1970) 74–5, 179–80; Stromer (1968) 35.

spanned the entire Hanseatic trading sphere, advanced bookkeeping techniques—which crucially underpin both large-scale investments and exchange arbitrage—were irrelevant as an instrument of management, aside from the fact that their introduction would have involved huge start-up costs which could only have been recovered gradually.

But this does not mean that the structure of the Hanseatic firm was without redeeming merits. Quite the contrary. First of all, investing one's capital in a number of small partnerships helped to spread risk. Moreover, Hanseatic partnerships were flexible and allowed merchants to take advantage of sudden opportunities.¹¹ Indeed, they were appropriate for their form of maritime commerce. One can see how Hanseatic partnerships evolved to reflect the bi-lateral form Hanseatic trade took in the late Middle Ages.¹²

Nevertheless, indisputably, Hanseatic partnerships were utterly incapable of performing two crucial functions: gathering information from the entire commercial world and making business decisions on the basis of the big picture. Notoriously, South German and Italian firms solved this problem by corresponding unceasingly with their factors and issuing orders based upon their answers. The question is: did Hanseatic partnerships find another way to solve the problem, and if so, how?

Let us look at a specific example. In the autumn of 1399, the Bruges magistrate prohibited book transfers for bills of exchange and required payment in specie both for bills originating in Bruges and payable elsewhere and for bills drawn on Bruges and payable there. The consequences were catastrophic (fig. 1): overnight, the écu appreciated by 6% and exchange rates remained extremely volatile, varying by more than 1% in a single day. While those able to pay cash could get good bargains, commodity trading rapidly proved to be less profitable than foreign exchange speculation. Further measures passed by the magistrate in the vain hope of forcing gold out of merchants' coffers only made matters worse, until the ordinances were cancelled as of 1 October 1401.¹³

Now, as de Roover showed, the Datini correspondents in Bruges instantly came up with a way to profit from this situation, advising their counterparts in Barcelona to remit to Bruges but not to draw on it.¹⁴ This reflected received wisdom in Italian business circles: never draw on a

¹¹ Cordes (1998) 320–5.

¹² Cordes (1998) 302; Jenks (1992) 444–7.

¹³ Roover (1968) 54–62.

¹⁴ Roover (1968) 55.

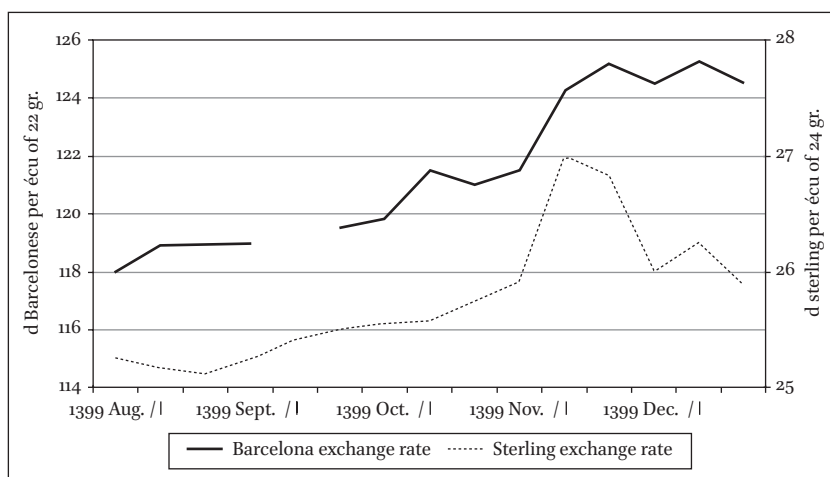


Figure 1 The Movement of the écu against the Aragonese and English Currencies in the Crisis of 1399 (Data Source: Roover, 1968: 115–6). The Months are Divided into Thirds (1–9, 10–19, 20–end), Reflecting the Rhythm of Italian Commercial Correspondence

place where money was scarce and interest rates high, and never remit to a place where money was plentiful and interest rates low. Nor were the Datini correspondents the only clever ones: by November 1399, the Catalans had abandoned commodity trading altogether and were making a killing playing the foreign exchange market.¹⁵

The Hanseatic response to the crisis was, on the surface, quite different. The Bruges *Kontor* sent a messenger to Lübeck almost instantly—he had left Lübeck by 3 November 1399—but the Hanseatic Diet responded on 2 February 1400 that the ‘matter of the Lombards’ was not of great concern and had been adjourned pending discussion in the several town councils. On 3 November 1400 the Bruges *Kontor* contacted Lübeck again, suggesting that since credit operations were producing huge losses, the Diet should consider a ban. On 6 December 1400, Lübeck put the *Kontor*’s case to the Prussian towns and asked them to reply. As no response was forthcoming, Lübeck got in touch again on 23 April 1401, noting that in the meantime the Novgorod *Kontor* had seconded the Bruges *Kontor*’s arguments and added that longer term loans produced the highest losses. Finally, on 2 July 1401, the Diet acceded to the Bruges *Kontor*’s requests

¹⁵ Roover (1968) 56–7.

and passed a ban on credit operations in Flanders as of Michaelmas. As luck would have it, the Diet's prohibition came into effect two days before the ordinances which had caused the whole ruckus were abrogated. The ban, now superfluous, was only rescinded on 14 May 1402, at the behest of the Bruges *Kontor*, which had been agitating for change since February.¹⁶

To those familiar with Hanseatic history, this sorry tale seems all too typical. The Diet was glacially slow to react to the crisis, and when it did get around to doing so, its instinct was to pass heavy-handed legislation restricting merchants' freedom of action. At first glance, then, the quick-witted and free-market oriented Italians seem to have stolen a march on their dull, plodding and conservative Hanseatic competitors, who furthermore were hindered by the heavy hand of the state. In fact, however, this impression would be misleading, since a closer analysis shows that the Hansards had actually been rather clever.

In order to demonstrate this, we have to begin with a brief sketch of the fundamental structures of Hanseatic trade with Flanders around 1400. The exchange of merchandise was fairly simple: raw materials from the East for Flemish cloth. Since the Hanse's balance of trade was chronically negative,¹⁷ merchants built up funds in the East—as cloth was sold over the winter—which they needed to transfer to Bruges. This was achieved by a symbiosis with West European crusaders travelling to Prussia, who normally departed for Königsberg in November and returned home in April.¹⁸ Since travelling by land was dangerous, crusaders tended to take along just enough money for the journey and to borrow whatever else was required in Prussia, either shortly after their arrival in the autumn or shortly before their departure in the late spring (fig. 2). While the Teutonic Order advanced the funds in the first instance, it insisted that crusaders find Prussian merchants willing to undertake repaying the Order's loans in Prussia. In order to give the Order an actionable claim against the merchants, and the merchants against the crusaders—on whose behalf they had undertaken to pay the Order—, two debt instruments were drawn up, one requiring the crusaders to pay the merchants in Bruges in late June and the other requiring the merchants to pay the Order at Christmas.¹⁹ In effect, the merchants were using the crusaders to transfer their idle surpluses back to Bruges, with the added fillip that they had the use of the

¹⁶ All references: Jenks (1982) 313–4, 332–3.

¹⁷ Dollinger (1998) 278–93, 323–31; Jenks (2006) 158; Jenks (2010) 15–8.

¹⁸ Paravicini (1989) 261.

¹⁹ Paravicini (1995), 244–8, 315.

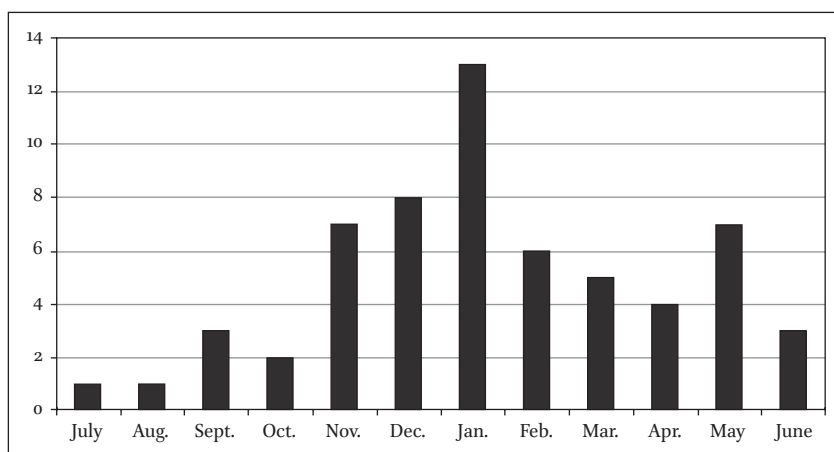


Figure 2 Loans to Crusaders in Prussia, 1350–1402 (Data Source: Paravicini, 1995: 212–9)²⁰

crusaders' money in the interim. That, in turn, allowed the merchants to purchase cloth on long-term credit in Flanders,²¹ repaying their suppliers from the funds credited to them by the crusaders through the good offices of hostellers and money changers in Bruges.²²

In substance, this cycle amounted to a very long-term—and correspondingly risky—letter of exchange. In order to avoid the canonical prohibition of usury, the merchants' debt instruments were denominated in Prussian silver, while the crusaders' debt instruments were denominated in gold coins current in Bruges.²³ Hence, the Prussians were betting that the gold equivalent of the silver loaned to crusaders in the winter would suffice, once exchanged for (silver) groats in Bruges in late June, to cover their obligations to the drapers. Even if the Prussian merchants charged substantial interest rates—and 20–30% per annum was normal²⁴—there was a risk that exchange rates would change substantially in the meantime. That, of course, is precisely what happened when the Bruges magistrate issued its ordinance in 1399: the écu went through the roof and remained

²⁰ No loans granted 'before' a certain date (e.g. No. 22: 'vor 1350 VI 1') were counted. The same obtains for all loans only vaguely dated to a span of years (e.g. No. 26: '1352/82').

²¹ Holbach (1994) 78, 87; Stabel (2000) 16, 20.

²² Paravicini (1995) 285–92; Murray (2005) 245–8.

²³ Paravicini (1995) 212–9, 263–7.

²⁴ Paravicini (1995) 272–3.

volatile. Consequently, there was a real danger that Prussian merchants would receive less purchasing power in Bruges than they had contracted to repay in Prussia and would be unable to cover their loans to Flemish drapers without huge losses. That was precisely the danger against which the Novgorod *Kontor* had warned.

If we plot the Hanseatic reaction to the crisis in Bruges against the movement of the écu in relation to the currencies in which the crusaders' loans were denominated (fig. 3), we will see just how clever the Hanse was. The *Kontor* knew exactly what was going on in the autumn of 1399, since the Hansards had the latest exchange rates from their hostellers and brokers.²⁵ It sent a messenger to Lübeck at precisely the moment the écu began to appreciate massively against sterling and the franc (fig. 3: a) and lobbied hard for a ban on credit operations when the écu again rose in value the following year (fig. 3: b). Moreover, both the *Kontor* and the Diet knew exactly what effect the Bruges ordinances would have. This explains why Lübeck was so anxious to get the opinion of the Prussian towns in early December 1400, since that was precisely when loans would have been extended to crusaders there (fig. 2). In addition, the Diet's counter-measures were entirely appropriate: not only would long-term credit operations have produced disastrous losses, but those prepared to pay cash for merchandise could get good bargains. Finally, the *Kontor* began to agitate for lifting the ban on credit operations (fig. 3: c) at the first point after the abrogation of the Bruges ordinances when Hanseatic merchants would have been moving out into the Flemish countryside to buy cloth.²⁶

Let us draw some conclusions. The Hanse knew how to gather information and make the appropriate decisions. However, because we have

²⁵ Roover (1968) 29; Murray (2005) 210–4, 243–5; Murray (2000) 11–4.

²⁶ The *Kontor's* agitation must have begun in early February 1402, but one cannot be more exact than that because we have only indirect evidence for its change of mind. On 19 Feb. 1402 the regional Diet of Livonia noted that the credit ban had been extended to Brabant, Hainault, Artois, Holland and Zealand at the request of the Bruges *Kontor* (Jenks (1982) 333), but gave no precise date for the extension. If we consider the time necessary to travel from Flanders to Livonia, it becomes clear that the *Kontor* was still in favor of the credit ban in the winter of 1401/02. However, it must have changed its mind soon thereafter, since on 2 Apr. 1402 the Prussian towns resolved to stick with the credit ban despite the complaints of the Bruges *Kontor* (Jenks (1982) 333). Calculating for the time taken for the *Kontor's* letter to be sent from Bruges to Prussia, early February 1402 seems a reasonable date for the change of mind in Bruges. Had the letter been written much earlier, it would have been discussed at the assembly of Prussian towns on 8 Mar. 1402 (Pelech (1985) 69). Early February was the normal time for merchants based in Bruges to spread out into the countryside in order to buy cloth (Roover (1948) 237).

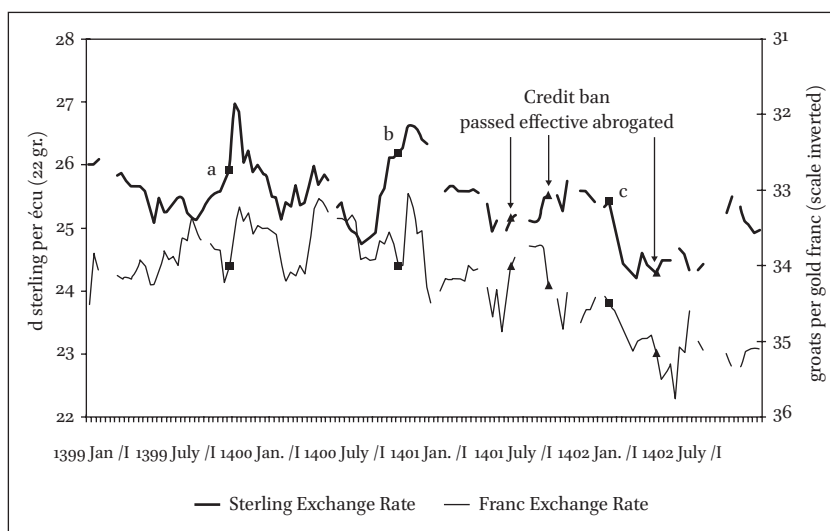


Figure 3 Exchange Rates of the French and English Currencies Against the écu During the Crisis of 1399–1402 and Hanseatic Counter-Measures (Data Source: Roover, 1968: 114–23)

tended to view the Diet as the legislative branch of a Hanseatic government whose existence was posited rather than proved,²⁷ it was only natural to view the ban on credit as a heavy-handed government measure. By contrast, the directives the Datini correspondents issued have been interpreted as free-market measures,²⁸ although they were no less imperious in tone. Yet, as we have seen, Hanseatic merchants, the Bruges *Kontor* and the Diet worked together to master the crisis of 1399 in a manner

²⁷ This malign tendency goes back to the very founding of the Hanseatic History Association (Hansischer Geschichtsverein) in 1871 and the debates which accompanied it (Brandt (1970) 4, 41). It was Georg Waitz who set the tone for the future development of Hanseatic history by insisting that it be viewed as part of the 'nation's' history rather than as the sum of the local histories of the member towns. Consequently, the Hanseatic Diet 'had' to be a precursor of the national legislature of the nineteenth century and the Hanse itself a 'major power' in the northern Seas. It took 50 years before Fritz Rörig even broached the subject of how Hanseatic merchants conducted their business (Brandt (1970) 60–1, 65), and even in the standard monograph (Dollinger (1998)), the discussion of governance and diplomacy is kept completely separate from the discussion of Hanseatic trade (which forms the middle third of the book).

²⁸ Jenks (1982) 326.

consonant with the structure of Hanseatic firms and trade.²⁹ This successful cooperation demonstrates just how impossible it is to understand the medieval Hanse by viewing its merchants in isolation. In 1399, the Hanseatic merchant was ably flanked by his *Kontor* and the Diet, which (as we have seen) gathered information on a world-wide scale and gave directions based on the big picture. In the Hanseatic world, the *Kontor* and the Diet performed two crucial functions for the individual merchant—information-gathering and decision-making—which South German and Italian firms did in-house by correspondence with factors. The fact that the Hansards achieved the same end by cooperating with one another *ad hoc*, rather than erecting large, centralized, bureaucratic corporations like the Italians does not make them backward. After all, the size of the firm—as Coase has shown—is merely a function of the relative cost advantage of out-sourcing and conglomeration³⁰ for a given state of technology, communications and managerial science.³¹

Hence, von Stromer's unquestioning faith that 'bigger is always better' distracted him from the crucial question, namely: what cost advantages not available to Italian and South German companies enabled Hanseatic firms to remain so small? One only has to pose the question in order to see the answer: Hanseatic merchants were in a position to make major savings on the fixed organizational costs which bore heavily on their Italian and South German competitors, who had to pay their factors salaries and spend significant amounts of money in order to correspond with them.³² The Hansards, by contrast, were able to keep the costs of information-gathering low, since they only collected information when necessary and did so on a cooperative basis. One can also observe quite generally that information-gathering in the Hanse proceeded in concentric circles. Depending on the seriousness of the problem, merchants

²⁹ Given the small size of Hanseatic firms and the bilateral nature of Hanseatic trade, it would have been impossible for the Hanse to have emulated the Italians and Catalans and to have wrung a profit out of the situation by engaging in exchange arbitrage.

³⁰ According to Coase, firms become smaller by shedding transactions which were previously organized in-house and turning to the market, and firms become larger by adding transactions previously purchased on the market which are now coordinated by the entrepreneur (Coase (1937) 393). While it is clear that the first process is nothing other than outsourcing, it may not be equally clear that the second is equivalent to conglomeration. However, Coase states that if firm A wishes to avoid a market transaction for a product previously bought from firm B, it will have to take over all the processes of production controlled by B (Coase (1937) 395), i.e. buy up firm B outright.

³¹ Coase (1937) 393–8.

³² Schulte (1923) 112–8; Saporì (1970) 52–5.

consulted with one another first within the *Kontor* itself, and then in regional Diets (notably in the IJssel and Lower Rhine region, Prussia and Saxony) and finally at Hanseatic Diet itself.³³ The system worked because everyone involved realized that solving the problem for which crucially important information was being gathered was in the common interest.

II

The first part of this paper was intended to show that—contrary to von Stromer's views—the Hanse was not backward, but rather had structures adequate to master severe dislocations. We now have to ask whether these structures were the essential prerequisite for the long duration of the Hanse's pre-eminence in the North Sea and Baltic trade. In other words: were they the cause of the Hanse's success?

It is, I think, best to start with the fundamentals. It is universally recognized that exchange is fraught with uncertainty. Even in instantaneous exchange, there will be uncertainty about the economic goods themselves, the rights of the seller to transfer ownership and the ability of the buyer to pay (search and measurement costs). If exchange is extended over time and space, then uncertainty about whether each side will stick to the bargain will arise, leading to contracting and enforcement costs.³⁴ Consequently, exchange will only take place under one of three sets of circumstances, under which uncertainty is reduced to a sufficient degree:³⁵

- Exchange is personal, repeated and governed by a set of values (e.g. religious precepts) common to buyer and seller, as is the case in primitive societies
- Exchange is impersonal, but adherence to agreements is achieved by private-order reputation-based mechanisms (e.g. ostracism) or other informal constraints (kinship, exchange of hostages etc.), as was by and large the case in the European Middle Ages

³³ The Hanse used this system of gathering in expertise from ever wider circles to solve such disparate difficulties as urban revolts (Jenks (2001)) and encroachments by princes (Bode (1919); Bode (1920); Bode (1926)). In addition, the same principle was employed in preparing and passing legislation within the individual towns (Pitz (2001)) and at the Diet (Henn (1992); Henn (2001)).

³⁴ For a convenient summary see Jenks (2005) 34–6.

³⁵ North (1990) 34–5.

- Exchange is impersonal, but adherence to agreements is achieved by enforcement by disinterested public-order third parties (judges) with coercive powers, as is the case in the modern world

Most of the work in recent years which is relevant to this paper³⁶ has been done on the second set of circumstances, exploring the reputational mechanisms and their sanctions (notably ostracism) which enabled merchants to commit *ex ante* not to violate contracts or decamp with funds entrusted to them. Unsurprisingly, the agency problem has tended to be at the centre of interest. It will, however, be noted that a single presupposition crucially underpins these theories, namely that both private-order and public-order institutions exist solely to sanction malfeasance.

In the case of the Hanse, however, this presupposition is terribly difficult to square with the historical record. To my knowledge, only one Hanseatic merchant was ever ostracized in the Middle Ages,³⁷ namely Christian Kelmer, the former alderman of the London *Kontor*, who was expelled in 1383.³⁸ The reason for this is revealing. The *Kontor* had agreed that imported goods which a merchant had customed at entry into England were not to be customed anew if they proved to be unsaleable and were re-exported. Kelmer, who had paid twice, was told by the *Kontor* to reclaim the money from the crown. When he refused to do so, he was ejected from the *Kontor* for disobedience (*ume dat he den kopman ungehorsam was*).³⁹ Note that Kelmer had not financially injured anyone but himself by paying customs twice on the same merchandise, so that this case does not involve the principal-agent problem. Rather, his punishment was based on the fact that he had violated a central principle of the Hanse: while it was perfectly legitimate to object to proposals internally and indeed delay their acceptance within the *Kontor*, once a consensus had been reached, everyone was bound to obey it. Kelmer, who as a former alderman of the *Kontor* had to have been exquisitely aware of the general principal and the specific agreement on double payment of

³⁶ González de Lara (2005a, 2006); Greif (2006).

³⁷ Asmussen (1999) 299, errs in stating that another Hansard, Thideman Blomenrod, was expelled from the Bruges *Kontor* in 1350. In fact, he left of his own accord: HUB 3 no. 160.

³⁸ Kunze (1896) 326–7; Kunze (1891) 184–6.

³⁹ Ejection from the *Kontor* constituted ejection from the Hanse, since the sole criterion for membership of the Hanse was the right to enjoy its privileges in foreign markets (Stein (1913) 260, 290–1; Friedland (1958) 23, 38).

customs, had even been given a chance to redeem himself, but refused. Only then was he expelled.⁴⁰

If we turn from the *Kontor* to the Hanseatic Diet, we find something very similar. Ejection of a town from the Hanse (*Verhansung*) was rare indeed and only reluctantly undertaken upon extreme provocation and after numerous warnings. In every instance the Diet showed itself to be desperately anxious to find a way to re-admit wayward towns.⁴¹

Finally, if we turn from the *Kontors* and the Diet to the internal jurisdiction of the towns themselves, there is not much evidence of agency problems, although there is no lack of source material: many Hanseatic towns had outlawry ledgers.⁴² However, an inspection of these books reveals a distinct lack of cases of malfeasance by agents.⁴³ Indeed, in the one well-documented case we have which turns on the principal-agent problem, the Cologne case of Rosencrantz vs. Viehof in 1450, it was the principal who cheated the agent.⁴⁴

Now, if as Greif seems to think,⁴⁵ the Hanse was a sterling example of a private-order, multilateral reputation-based mechanism, which forced its members to adhere to rules by threatening them with ostracism, thus sanctioning malfeasance, then surely one would expect more evidence of merchants and towns being ejected. However, ostracism was not as common in Hanseatic circles as the views of Greif and González de Lara would suggest it must have been, and punishment of wayward agents was also rare.

While one might claim that the rarity of sanctions constitutes evidence of how well the Hanseatic system worked, it is nonetheless worth asking if there were other, positive factors which prompted Hanseatic agents to deal fairly with their principals. In my view, such factors did exist, and they are to be found in the education of Hanseatic merchants, in the structure of Hanseatic trade and in the structure of Hanseatic firms.

⁴⁰ Aside from Kelmer's expulsion, the records of the London *Kontor* indicate that three merchants left the Hanse of their own accord (Lappenberg, *Urkunden* (1851) 167–8).

⁴¹ Jenks (1993) 68–9; Jenks (2001).

⁴² Brandt (1968) 8. It might be mentioned that the Diet attempted sporadically to enshrine the principle in law that outlawry in one Hanseatic town entailed outlawry in all Hanseatic towns (or at least in those where Lübeck law obtained), but these attempts never came to fruition (Brandt (1968) 7–8).

⁴³ Brandt (1968) 10–1.

⁴⁴ Irsigler (1972).

⁴⁵ Greif (2006) 105–8.

It is well known that young men in their early teens were sent out to the Hanseatic *Kontore* in Bruges, Bergen (Norway), London and Novgorod to learn the local language and to gain expert knowledge of the merchandise traded locally.⁴⁶ Thus, young commercial apprentices learned about furs and wax in Novgorod and the tricks the Russians used to make shoddy goods appear to be of high quality. While it cannot be claimed that all Hanseatic merchants had done a tour of duty in one *Kontor* or another, there would be a goodly number in any given town who had done so. That meant that it was difficult to pull the wool over their eyes, once they had become sedentary sleeping partners.

The structure of late medieval Hanseatic trade, which tended to be bilateral, as merchants specialized in trading back and forth with one external town or region,⁴⁷ also helped. The experience a merchant gained as a travelling agent made it difficult to cheat him once he had become a sedentary sleeping partner.

Moreover, all the merchants in a given town (such as Lübeck) who traded with one region (Scania, Bergen, Stockholm, Riga, Novgorod etc.) tended to form a corporation with an elected alderman.⁴⁸ It would be surprising if information about goods and prices in, say, Riga, did not circulate in the corresponding corporations in Lübeck and elsewhere. In addition, the Lübeck harbor was sub-divided into sectors reserved for trade with one region, so that all the merchandise which came from a given region would be unloaded on one section of the docks only.⁴⁹ This meant that it was easy to see at a glance how much stockfish was arriving from Bergen, to take but one example, and take an educated guess as to how the visible supply would affect the market. Furthermore, Hanseatic ships tended to sail in fleets,⁵⁰ and the Diet's legislation prohibiting sailing during the winter⁵¹ reinforced the tendency of all ships from one external region to arrive more or less at the same time in a given port. Again, supply and its likely effects on the market were easy to gauge. Moreover, at least in Flanders, it was the Bruges *Kontor*, and not the individual

⁴⁶ Dollinger (1998) 236–44.

⁴⁷ Irsigler (1972) 76; Jenks (1992) 444–50.

⁴⁸ Graßmann (1988) 185–7.

⁴⁹ Running from north to south, the banks of the river Trave were reserved for ships from Norway, from Prussia and Livonia, from Skåne, from Bordeaux, and—south of the Holstenbrücke—for barges bringing salt in from Lüneburg; Hammel-Kiesow (1996) 16–20.

⁵⁰ For the Danzig fleets see Link-Kapfenberger (2005) 159–60.

⁵¹ Jenks (1992) 305–20.

merchants, which purchased cloth in common, for instance in Poperinge,⁵² and that meant that everyone in the *Kontor* knew what the price was. Finally, most of the goods Hanseatic merchants traded were inspected, either in the east (Novgorod, Danzig) before being shipped west, or in the *Kontore* before being shipped east,⁵³ so that doubts about dimensions and quality were all but banned. All of these factors contributed mightily to the transparency of trade in the Hanseatic world.

The structure of Hanseatic firms also worked in the same direction. In the small, two-partner Hanseatic firm (*wedderlegging*) of the early fifteenth century, each *socius* bought goods with the firm's capital and sent them to the other, who in turn sold them and sent merchandise back, with both merchants recording sales income and purchase costs in their account books. Since profits were divided up when the partnership was wound up, but added to the total value of the firm while it still existed, a merchant who withheld profits gained by selling merchandise received from his partner in effect cheated himself. In short, it seems to me that the structure of the Hanseatic firm institutionalized tit-for-tat confidence building. Although one might be inclined to point to the fact that many active partners in Hanseatic firms were young men whose sleeping partners advanced all the funds for the firm,⁵⁴ thus making the active partner, in effect, an agent,⁵⁵ and to object to the idea that Hanseatic firms were immune from agency problems because both partners were equal, it is worth pointing out that such young, active partners had powerful reasons for dealing fairly with their principals. After all, the risk structure in fifteenth century trade was such that a young man could not survive on his own. He needed a well-situated, well-connected and commercially experienced partner to sell the goods he bought far afield and sent back and to honor his letters of exchange.⁵⁶ In particular, having a senior partner upon whose business reputation a young merchant could draw was essential for establishing creditworthiness in markets where the young merchant was unknown. Finally, if the example of Johann Rosenkrantz can be generalized, young traders also hoped that, if they performed their

⁵² Holbach (1994) 80–7.

⁵³ Jenks (2005) 38–9.

⁵⁴ Cordes (1998) 291, 319.

⁵⁵ However, it ought to be pointed out that such contracts, which Cordes designates as *unbenannte Kommission auf Gewinn und Verlust*, are not common and tend to die out before 1340 (Cordes (1998) 125–6, 290–1, 301, 320).

⁵⁶ Irsigler (1972) 75–6.

tasks well, their sleeping partners would advance their careers by word of mouth at home.⁵⁷

In short, Hanseatic merchants were by and large—to put it in Williamson's terms—informed investors⁵⁸ by virtue of their education and the structure of trade, both of which contributed powerfully to the transparency of trade. Moreover, the structure of Hanseatic firms raised the opportunity costs of cheating by linking equity with performance on both sides, which might be seen as being akin to the present-day tendency to remunerate top managers, at least in part, in stock options. These positive inducements to square dealing combined to make the principal-agent problem much less acute in the Hanseatic world—in essence creating a self-monitoring system—, so that there was much less need to generate institutions to deal with agency problems than, for instance, in Venice.

These conclusions force us to pose the more fundamental question of the anonymity of trade. After all, the literature generally views the need to enable impersonal exchange as the motor which drove institutional change in the European Middle Ages, whereas private-order, reputation-based mechanisms and other informal constraints were merely an institutional means to that end.⁵⁹ However, in the case of the Hanse, as we have seen, it is difficult to demonstrate that private-order, reputation-based mechanisms were commonly in operation. If the means are lacking in the Hanseatic world, then we have to ask if the same is true for the end. As heretical as it may sound, I am not at all convinced that impersonal exchange was a universal or even terribly common phenomenon in Hanseatic commerce. After all, Hanseatic merchants tended to deal with counterparts they had known for a long time, both at home and on external markets.⁶⁰ Gerhard van dem Viehof, for instance, a major merchant of Cologne, sold the cloth (which his nephew Johann Rosenkrantz had purchased in Flanders and England and sent on) to a small circle of steady customers in Brabant, Cologne and at the Frankfurt fairs.⁶¹ Even if one views Gerhard van dem Viehof as an atypical example—and proving the contrary would be difficult, given the paucity of sources and the state of our knowledge—, the trading world was small in the late

⁵⁷ Irsigler (1972) 83.

⁵⁸ Williamson (2002) 12–3.

⁵⁹ North (1990) 34–5, 57; Greif (2006) 310–49.

⁶⁰ In the *Kontore*, young commercial apprentices were permitted to 'play' at trading miniscule amounts of merchandise with their contemporaries, thus building up relationships bit by bit which might last for many years.

⁶¹ Irsigler (1972) 79–80.

Middle Ages, even at the great fairs (Frankfurt, Antwerp, Bergen op Zoom) and in the large cities. People tended to know (or at least know of) one another, especially—in the case of the Hanse—in the towns where the Hanse's *Kontore* were located.⁶² It must have been comparatively easy to ask around in order to determine the creditworthiness of another merchant.⁶³ Although it might be objected that I have taken an implausibly Pollyannish view of late medieval Hanseatic trade, I wish to emphasize that it is not my contention that private-order reputation-based mechanisms were unknown in the medieval Hanse, but rather that impersonal exchange was anything but the rule and consequently cannot be assumed without proof to have been the root cause of Hanseatic institutions. The unquestioned notion that the need for impersonal exchange generates institutions designed (consciously or not) to enable impersonal exchange needs, it seems to me, to be examined closely and critically, and not only in the case of the Hanse.

All in all, the model proposed by Greif and González de Lara does not fit the medieval Hanse very well. There are two reasons for this. First, the model focusses on enforcement (notably by ostracism), but it is difficult to find a satisfying number of examples in which the Hanse actually ejected an individual merchant or a town. Second, the model assumes that institutions are generated in order to reduce uncertainty, notably with regard to agency problems, in order to enable impersonal exchange. However, the Hanse did not have acute agency problems, its trade was far more transparent than that of Venice, so that uncertainty was comparatively low, and impersonal exchange was anything but universal.

However, this paper has, I trust, shown that the Hanse did have self-enforcing institutions. The education of merchants, the structure of the Hanse's trade and the organizational form of Hanseatic firms all provided positive inducements to square dealing among the merchants themselves. In addition, the Hanse lowered information-gathering costs, within the

⁶² Note that the Bruges *Kontor* moved lock, stock and barrel to Antwerp and Bergen op Zoom during each of the four annual fairs, and Cologne sent what amounted to a delegation of the town's traders with England to the Frankfurt fairs (Jenks (1992) 688).

⁶³ The Cely letters contain a number of recommendations to advance or refuse to advance funds to a third merchant (Hanham (1975) 10, 11, 28–9 (positive); 44 (negative)). In addition, creditworthiness (*my powr honeste*, which is the English equivalent of the Hanseatic *gelouwe*) is touched upon in some letters (e.g. Hanham (1975) 80). It might also be added that the universal system of demanding sureties and witnesses for commercial contracts merely formalized the queries which must have been conducted previously, albeit informally, and cast them into a form which could be presented in court.

member towns (corporations of merchants specialized in trade with one external partner), between the towns and the Diet (regional assemblies) and between the *Kontore* and the Hanseatic Diet.⁶⁴

Let us now return to the question asked at the beginning of this section: Were the Hanse's structures (institutions) the cause of the Hanse's success?⁶⁵ Before answering, we have to deal with two thorny source-critical problems.

- In historical studies quite generally, the claim that X is the cause of Y implies that an effect can be observed, i.e. something that emerged in historical time which was not there before, which can be demonstrated to have proceeded from some cause. However, the structures of the medieval Hanse which we have been discussing were woven into the structure of trade and contracting from the very beginning of Hanseatic historical records.⁶⁶ Given that—in the case of the Hanse—the effect (success) and a host of possible causes emerge simultaneously as soon as the transmission of sources sets in, how is one to judge which of the possible causes was the real one?
- Now, it might be objected that one can indeed distinguish cause and effect, even if the effect has transpired before the historical records begin, by employing simple logic. However, our sources heavily tend to showcase merchants who continue to do business. Those who fail drop into utter obscurity and leave no further trace. If, for the sake of argument, we accept that certain institutions 'caused' success, then it follows that they will be most strongly represented in the historical

⁶⁴ This explains why the Diet was so desperately anxious to bring Cologne back in to the fold after it had been expelled from the Hanse in 1471 (Jenks (1993) 68–9): it simply could not do without the information which Cologne, by far the largest Hanseatic town in the west, could provide, not least by virtue of the far-flung commercial contacts of its citizens (Hirschfelder (1994)).

⁶⁵ Clearly, I have played upon the titles of two contributions of González de Lara (2005a, 2006) when formulating this question. I might also be permitted to be a wee bit sceptical about her claims. My scepticism arises for two reasons. First, if one accepts that 'public-order, yet reputation-based institutions' were the cause of Venetian success, it is astonishing that these institutions (*muda*-system) were not extended to cover all of Venice's trade. Nonetheless, the salt trade, which was of immense importance for Venice's economy, remained firmly within the realm of *libera navigazione* (Hocquet (1979); Lane (1973) 132). Second, if the purpose of these institutions was to provide for the diversification of trade investments, for further investments and for the mobilization of small amounts of capital (González de Lara (2006) 29), then it is odd that González de Lara does not include banks in her discussion, although they notoriously invested heavily in trade.

⁶⁶ Cordes (1998) 276–8, 326–7.

records, while unsuccessful institutions will be inconspicuous at the best. However, we tend to forget that there is no guarantee that institutional change will automatically lead to optimization by propelling the most efficient institutions to universal acceptance. In fact, as the history of Spain between the mid-sixteenth and the mid-seventeenth century demonstrates,⁶⁷ sub-optimal institutions can survive rather handily. Consequently, it seems to me that in equating survival (of merchants or institutions) with success, there is a danger of false Hegelian reasoning: whatever is, had to be and is moreover the cause of success.

In view of these problems, it looks to me as if North's model of path determination⁶⁸ fits the medieval Hanse much better, because it avoids the problem of origins when examining cause and effect and—by conceding that sub-optimal solutions can gain adherence—also avoids the assumption that survival is equivalent to success. Applying North's arguments to the Hanse, it seems to me that the following can be stated with some confidence. Once the development path is set on a particular course—and this is very much the case with the organizational form of Hanseatic firms—then network externalities reinforce the institutional matrix.⁶⁹ The reason is very simple. Having evolved to take advantage of the opportunity set any given institutional structure offers, businesses depend on the institutional matrix for profitability. Therefore, they are committed to the institutional structure both for objective (profitability) and subjective reasons (rationalization of failure). In particular, businesses will tend not to interpret sub-optimal results as evidence of the systemic inadequacy of the institutional matrix, and will tend to tinker with details rather than abandon it altogether.⁷⁰ The result is lock-in.⁷¹ In the case of the Hanse, the network externalities of the institutions described in this paper are self-evident. Viewed from the internal perspective, the Hanseatic institutional matrix delivered spectacular success. After all, the normal rate of return on Cologne merchants' capital in the first half of the fifteenth century was in the region of 15–25%.⁷²

⁶⁷ North (1990) 114–5.

⁶⁸ North (1990) 7, 94.

⁶⁹ North (1990) 94.

⁷⁰ North (1990) 95, 99–101.

⁷¹ North (1990) 7.

⁷² Irsigler (1972) 75–7.

But, impressive as Hanseatic success may have looked from the inside, it did not constitute an optimal solution, at least not by von Stromer's criteria. However, gearing up to do business on an Italian or South German scale—the very activities von Stromer had in mind—would have involved huge start-up costs, which only could have been recovered gradually. Theoretically, Hanseatic merchants could have attracted investors prepared to commit funds to erecting large production facilities and financing research and development. Again, it might have been possible to found a chain of firms and link up with correspondents far afield in order to play the foreign exchange market. However, these activities would have involved massive start-up costs. The Hansards would not merely have had to attract capital, but also acquire skills (accounting, metallurgy, banking, languages) which were not easy to come by, not to mention the opportunity cost of the amount of the time it would take to do so. Even expanding one's own trade into new areas was difficult and fraught with risk.⁷³

The analysis of the Hanse presented in this paper would tend to suggest that its institutions were extremely stable because they were highly (and mutually) self-enforcing. That, in turn, would lend credence to the view, associated with evolutionary institutionalism, that change can only come as the result of exogenous shocks.⁷⁴ Notoriously, North and Greif have disputed the adequacy of evolutionary institutionalism as an instrument for the analysis of institutional change. North has argued for intentional creationism as the motor of institutional change, so that the only factor which impedes change is the cost of bringing it about,⁷⁵ while Greif has asserted that, over time, endogenous factors can be made to

⁷³ The 'Great Venetian Company' founded by Hildebrand and Sivert Veckinchusen and others in 1407 (Irsigler (1985) 84) illustrates the difficulties. In order to succeed in Venice, one had to learn the language—something Hildebrand only realized retrospectively, forcing his nephew Cornelius to learn Italian years after the collapse of the Company (Irsigler (1985) 89)—, to acquire familiarity with merchandise and prices—Hildebrand's partner Peter Karbow paid far too much for the goods he bought for the Company in Venice (Irsigler (1985) 86)—, to adjust to the market's rhythms and capacity—the Company itself ruined the prices for furs in Venice by importing more than the market could absorb (Irsigler (1985) 86)—and to master accounting as a monitoring tool. Even the quantum leap in scale proved to be a problem for the Company. Despite the fact that it had comparatively huge resources for a Hanseatic firm—the capital stock was rapidly raised from 5000 marks (1407) to 20,000 marks (1409) (Irsigler (1985) 85)—, it only amounted to a quarter of the yearly turnover (Irsigler (1985) 86), which meant that if anything went wrong (and it did: Irsigler (1985) 86), the capital stock of the Company would be swallowed up by the demands of its creditors.

⁷⁴ Greif (2006) 155.

⁷⁵ Davis-North (1970); North (1990).

account both for institutional stability and change,⁷⁶ while individuals only belatedly become aware of the fact of impending change and adjust to it rather than bring it about intentionally. In my view of it, there is a dynamic relationship between institutions and the economic actors whose actions are delimited by those same institutions, but who are also capable of changing the institutions themselves. This dynamic relationship is founded in the fact that institutions define the opportunity set which an economic actor has—at any given point in time—to take as given. Over time, however, the opportunity set can be seen to be subject to continuous change. Endogenous factors (competition, e.g. in Kedar's Inner Zone, Schumpeter's cycles of creative destruction) and exogenous factors (war, plague, 'discovery' of India, America etc.) all have incremental or drastic (shock) effects on the opportunity set. If this view is correct, it does not matter very much whether the institutions are generated by objective circumstances or by far-sighted individuals: in either case, institutions are generated by the need for some function or other, whether people are consciously aware of that need or not. The difference, then, between institutional change resulting from endogenous and exogenous factors is merely that the first leads to a more or less incremental evolution, as the fittest survive, and the second leads to mass destruction and the chance survival of those lucky individuals who happened to have the right tools to hand. The development of banking in the thirteenth century seems to me to exemplify the evolution of institutions as the result of endogenous factors—numberless banks failed, but banking developed apace⁷⁷—, and the mass extinction of exchange booths in Flanders and Germany as a direct result of the first bullion famine in 1390 is a good example of the effects of exogenous shocks.⁷⁸

Robert Lopez was fond of remarking that the only things that do not change are dead. In my view of it, the consequence of this truism is that there is no such thing as inertia in the world of business. Hence, there will always be some pressure for institutional change, first and foremost through competition. Merchants will become more acutely aware of this pressure if external circumstances in the area where they are trading change or if their ambition motivates them to move into a new field of business (e.g. exchange arbitrage, the spice trade) or trade with a new area

⁷⁶ Greif (2006) 158–86.

⁷⁷ Lopez (1979) 22–3.

⁷⁸ Jenks (1995) 426–7.

(e.g. Venice). In any event, they will have to adapt or die. Moreover, the same is true of groups of merchants, of whom the Hanse is but one example. The institutional matrix, then, depends crucially on what sort of business is being done in which area under which circumstances. Nonetheless, it is well to remember just how adaptable institutions could be. After all, when Ulman Stromeir founded the first paper mill in Germany, employing the most modern management methods of the day (the putting-out system), he still bound his general manager Jörg Tirman to himself by an oath, which Charlemagne himself would have recognized instantly as an oath of fealty.⁷⁹

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⁷⁹ *Anno dom. 1390... do gab mir [= Ulman Stromeir] Jorg Tirman sein trew und swr mit aufgerekten fingern die trew zu halten ayn ayt, daz er mir und mein erben trew sol sein und unsern frumen werben und unser schaden wenden trewlich on allez geferd: Sporhan-Krempel (1954) 92.*

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BUSINESS AS USUAL? A CRITICAL INVESTIGATION ON THE HANSEATIC POUND TOLL LISTS

Mike Burkhardt

I. *Introduction*

Late medieval pound toll lists¹ from Hanseatic towns are one of the most important sources for calculating the volume of trade. In traditional Hanseatic historiography, they have been regarded as complete and reliable registers of a given town's trade, and hence of the trade of the individual merchants of the town in question. So unquestioning was the faith in the reliability of these sources, that one historian based his comparison of Lübeck's trade in the fourteenth century with Genoa's on the Lübeck pound toll list for 1368/69 alone.²

There is no reason why the Lübeck pound toll lists should enjoy a dispensation from the sort of rigorous text-critical examination to which we subject all other medieval sources. In particular there is room for doubt that the pound toll lists provide us with complete information on Lübeck's sea-bound trade. This paper will address this problem, focusing on the trade of one particular group of Lübeck merchants, those trading with Bergen in Norway (the *Bergenfahrer*). First, it will outline the organization of the *Bergenfahrers'* trade with Norway. Second, it will investigate the entries relating to the Bergen trade in the Lübeck customs records of the fourteenth and fifteenth centuries, calculating profits and losses of individual merchants. Finally, it will use these results in order to judge the reliability of pound toll lists in Lübeck (and in other Hanseatic towns) as sources for the history of trade.

¹ In order to secure trading routes or their merchant's trade privileges Hanse towns occasionally had to spend large amounts of money (e.g. to man ships for hunting down pirates). To raise this money they levied a special toll (i.e. customs charge) on imports and exports passing their harbors and on the ships in which they were transported. This was an *ad valorem* charge, calculated at a fixed amount per unit of value. For instance, from 1492 to 1496, goods passing Lübeck's harbor were subject to a charge of 1d per mark lub. of commodity value. Once the money was raised, the pound toll was rescinded.

² Spufford (2002).

II. *The Organization of the Hansards' Late Medieval Bergen Trade*

Hanseatic business in the Norwegian town of Bergen integrated and coordinated the exports of Hanseatic towns with the fish production of northern Norway. The most important exports were flour, malt and beer from the Hanseatic ports on the southern shores of the Baltic and North Seas, which were exchanged for dried cod ('stockfish') and, though in much smaller quantities, other products from northern Norway.³ As the production of dried cod was carried out in the far north, mainly at the Lofoten and Vesterålen Islands, the foreign merchants, whose trade at the Norwegian west coast was restricted to the town of Bergen, were dependent on transports by the fishermen or intermediaries. These so-called *Norderfahrer* brought the fish in small vessels along the Norwegian coast to Bergen, where they exchanged it for the products imported by foreign merchants, in the main Hanseatic *Bergenfahrer*.

In the course of the fourteenth century the Hanseatic *Bergenfahrer* gained control over much of the trade in the town by making most of the *Norderfahrer* economically dependent. As demand for stockfish grew, more and more northern Norwegian farmers abandoned agriculture south of the Arctic Circle for coastal fishery around Vesterålen and Lofoten Islands. Consequently the demand for flour, malt and beer in the villages along the high northern coast quickly outstripped the ability of the inhabitants, and in consequence, the middlemen *Norderfahrer* to pay for these goods by selling stockfish. Only the organization of fishery on a large scale by Hanseatic merchants, who supplied the fishermen with foodstuffs (particularly grain) made large scale fishery profitable there.⁴ However, this led to economic dependence, since the terms of trade were not in favor of the Norwegians. The increasing demand for imported foodstuffs could only be satisfied by buying flour, malt and beer from the Hansards on credit, the loans being repayable in the form of stockfish. However, often the *Norderfahrer* could not manage to provide enough dried cod to pay their debts. Thus they had to postpone payment, but still needed to take out a new commodity loan in order to pay the Norwegian fishermen for next year's haul. Soon, the debts got accumulated at the *staven* and most of the *Norderfahrer* had become dependent on one specific *Bergenfahrer*.⁵

³ Burkhardt (2006) 139–147.

⁴ Nielssen (1994).

⁵ It would be an interesting to investigate whether northern Norwegian fishermen were dependent upon the *Norderfahrer* in a similar way.



Map 1 Vesterålen and Lofoten Islands in northern Norway

This dependency was further strengthened by the Hanseatic *Kontor*'s statutes, which forbade any *Bergenfahrer* to deal with a *Norderfahrer* who was indebted to another Hanseatic merchant.⁶ Thus, the Hanse merchants consolidated their initial comparative advantage against their Dutch and English competitors, who—at least in the thirteenth and fourteenth centuries—had not been able to offer sufficient quantities of foodstuffs and were reduced to paying for their dried cod in cash. Subsequently, the *Kontor*'s credit system kept them shut out.

Now, why is this trade structure the key to understanding Lübeck's pound toll registers? Every *Bergenfahrer* had to face up to the fact that his investment in a particular year's trade would not pay off in that particular year. In spring, he had to buy the goods he wanted to send to Norway and ship them to Bergen, and these were recorded in the pound toll lists of that year as exports. In late spring or summer he sold his flour, malt, beer and other goods to a *Norderfahrer* on credit (the stockfish the *Norderfahrer* delivered being—considered as cash flow—(part) repayment of accumulated debt). In turn, the *Norderfahrer* transported these foodstuffs to northern Norway, delivered them to his stockfish suppliers and waited until the end of the drying period which followed on the autumn and February catches. It was not before May and July of the following year, when the dried fish from the respective catches was delivered to Bergen, that he was able to return with the fish he had obtained in return for the goods he had received in Bergen the year before. Thus the fish would not enter the port of Lübeck before August or September in the year after the *Bergenfahrer*'s initial investment, and thus wouldn't occur in the pound toll lists earlier. For our purposes, this very simple model is sufficient, even

⁶ Burkhardt (2006) 34.

if the Bergen trade could be much more complex if intermediate stations in England and Flanders were involved in the trading cycle. This would postpone the return of the initial investment for another year.⁷

Thus, if we want to calculate a *Bergenfahrer's* profit and loss over the course of a business cycle, we have to compare the money invested in one year with the receipts of the following year. However, even this method is not without its pitfalls, since the debt was not necessarily paid back completely in the following year. As described above, chronic debt was the major reason for the *Norderfahrers'* dependency on one specific *Bergenfahrer* and thus guaranteed the Hanse merchants' (as good as monopolistic) domination of the stockfish market. In the 14th century the accumulated debt had become such an integral part of the business model at the *Kontor* that no one counted on being paid back in full. Still, if we follow the money invested in Lübeck—and quite often it was raised by the merchant himself as a loan—we need to treat the revenue the trade cycle generated each year as that year's cash flow. This had to suffice both in Lübeck and Bergen to finance each year's outlay, otherwise the merchants would have dropped out of the stockfish trade and Hanse merchants wouldn't have stayed in Bergen until the eighteenth century. Since no business accounts of late medieval *Bergenfahrer* have survived, we can only examine the exports and imports registered in the Lübeck pound toll registers.

Let us construct a fictitious example to illustrate the mechanics of the market, assuming an initial investment (in 1388) of 10 Lübeck marks, used to purchase flour and beer in Lübeck, which was exported by ship and thus registered in the pound toll lists. The cargo was transported to Bergen, arriving in early summer. Here, our merchant handed over the foodstuffs to his partner among the *Norderfahrer*, receiving from him stockfish in payment for goods delivered in 1387. Given that flour and beer were in demand in Bergen, I estimate the value of our merchant's imports of victuals at 18 Lübeck marks, whereas the value of the stockfish he received might, in view of the abundance of supply and the *Bergenfahrer's* monopoly, only have been 15 Lübeck marks. Hence, our merchant suffered a theoretical loss of 3 marks trading in Bergen in 1388 and the *Norderfahrer's* indebtedness increased by the same amount. The *Norderfahrer* then transported

⁷ When we talk about the Bergen stockfish trade we must keep in mind that our knowledge of its organization (cf. Bruns (1900) and Helle (1979)) derives mainly from a later period, when trade between Bergen and England or Flanders was marginal compared to the Late Medieval period.

the flour and malt to northern Norway and delivered it to the Norwegian fishermen in exchange for their 1389 haul of stockfish. In the spring and the summer of 1389 he twice traveled back to Bergen to deliver this stockfish to the *Bergenfahrer* (and purchase more victuals on credit). In the late summer of 1389, more than a year after the initial investment, the stockfish which had been given in payment for the foodstuffs purchased at the beginning of the cycle finally arrived in Lübeck. This time it was registered as an import in the pound toll lists. Given the steady demand for imperishable fish-products, I estimate the value of this stockfish at 25 Lübeck marks. Thus, although the Hanse merchant lost 3 marks trading in Bergen, overall his initial investment of 10 marks yielded a profit of 15 marks or 150%.⁸

III. *Lübeck's Pound Toll Lists and the Bergen Trade*

In the Middle Ages, neither Lübeck nor the other Hanseatic towns collected customs on overseas trade on a regular basis. Only in cases of extraordinary financial need (usually in wartime) would the towns levy tolls to cover their costs. These customs charges were called the 'pound toll'. Although Hanseatic towns imposed these tolls repeatedly during the fourteenth and fifteenth centuries, we cannot build up a picture of the Bergen trade from them, since merchants could choose where they wanted to pay if their ships entered more than one Hanseatic port and customs accounts have not survived from all ports. Worse yet, the Lübeck pound toll accounts for 1368/69, which have been edited,⁹ are useless for investigating the Bergen trade in 1368/69, because in 1368 the Hanse imposed a trade embargo on Norway, which made trade with Bergen illicit. The only other Lübeck pound toll lists to have been edited cover the years 1492 to 1496.¹⁰ However, since these list only goods shipped to and from Baltic Sea

⁸ The reality at the Bergen market was even a bit more complicated, as large quantities of fish were sorted during winter time at the *Kontor*. However, most of them seemed to have been traded mainly to England in early spring, see: Jenks (1992) vol. 1. Still, this doesn't matter for our model, as we assume a simple route traffic Lübeck-Bergen-Lübeck.

⁹ Lechner (1935).

¹⁰ Vogtherr (1996). This toll was raised to finance Lübeck's efforts to fight piracy in the Baltic Sea. Main threats to the Hanseatic sea trade were the pirates Bertram Hoike and the brothers Huninghusen. Interestingly all of them received at least some support from the children of Olav Nilsson, a former governor of Bergen who was murdered by Hansards in a massacre at Munkeliv monastery in the Norwegian town in 1455: AHL, ASA, Externa, Danica 644, 745, 986; Olesen (1983) 123–7.

towns and contain no information about North Sea trade, they are useless for our purpose.

When investigating turnover and trade patterns in Hanseatic trade, there are things we need to bear in mind:

1. As mentioned above, when pound toll was levied in several towns simultaneously, no merchant was required to pay customs twice. If a merchant's goods entered different ports in the course of a voyage, he could chose the town in which he declared his commodities and paid the pound toll. Therefore goods that actually were imported or exported via Lübeck might be invisible in the Lübeck pound toll lists due to the simple fact that they had been customed legitimately in another Hanseatic town. Hence, to get a complete picture of all goods traded by any given merchant, we would have to have pound toll accounts for all Hanseatic towns and *Kontore*, which we don't.
2. Goods which by-passed Lübeck, even if they were customed elsewhere, obviously do not show up in the Lübeck pound toll lists. If, for example, a merchant bought beer and flour in Danzig and sent these commodities directly to Flanders, we don't find them registered in the Lübeck accounts. This is important in cases where we find a merchant who only declared exports from Lübeck to Danzig in one year and only imports from Flanders to Lübeck in the following year. In order to track the movement of goods and capital between Danzig and Flanders we would have to have pound toll accounts for all Hanseatic towns and *Kontore*, and tax registers from all other regions where Hanse merchants traded, which we don't.
3. There is evidence that merchants sometimes declared goods which belonged to other merchants under their own names. For the tax collectors it didn't matter who paid the toll as long as all cargo aboard a ship was declared correctly. Our problem is that we cannot be certain that the goods declared actually belonged to the merchant who declared them. In order to allocate all of these goods to their real owners we would have to have a complete list of all business partnerships, mutual contracts and oral agreements in the Hanseatic world, which we don't.
4. Mostly the extant pound toll lists only cover a comparatively short time period. If, as not infrequently happened, the outward and return voyages took more time than covered by the pound toll list, the records do not capture the entire cycle. Thus, long voyages might have started before the toll was levied, so that only the return voyage is recorded,

or vice versa. In order to reconstruct the merchants' transactions we would have to have the private business accounts of all merchants involved, which we don't.

In order to capture the gains and losses of one trade cycle, we need a toll list which registers the Bergen trade for at least two consecutive years. Only the customs accounts from 1378 and 1379 fulfil this criterion.¹¹ In 1378, 37 merchants paid duty on commodities exported from Lübeck to Bergen. In the following year, 46 merchants declared goods as imports from Bergen to Lübeck. Clearly, many merchants did not send commodities on the direct journey there and back. We know for example that some *Bergenfahrer* extended the outward journey from Bergen to the east English port of Boston and thence to Flanders, returning via Bergen to Lübeck.¹² Others seem to have skipped returning to Bergen for a second time, preferring to ship Flemish cloth directly back to Lübeck or other Hanseatic towns. In the surviving Lübeck toll lists we even have evidence of *Bergenfahrer* who either only imported¹³ or exported¹⁴ via Bergen.¹⁵

Altogether, only 30 merchants registered exports to Bergen in 1378 and imports from the Norwegian market in 1379. This is a very small number compared to the total estimated number of 200 to 300 Hanse merchants active in Bergen each year.¹⁶ Even so, it gives us an opportunity to gauge profits and losses in the course of one Bergen trade cycle by comparing the value of imports and exports. Table 1 shows the values declared by all 30 merchants, arranged by size of each merchant's trade surplus in percent.

¹¹ Bruns (1900).

¹² Burkhardt (2007) 170–9.

¹³ Hinrik Stenvorde 1369/70, 1378, 1379, 1381, 1384; Hermen Paal 1378, 1379, 1398—first export 1399; Burkhardt (2009) Prosopographischer Katalog—CD-Rom.

¹⁴ Gobel Schoneke 1378, 1379, 1381, 1399; Burkhardt (2009) Prosopographischer Katalog—CD-Rom.

¹⁵ This information indicates a diversity in business strategies among Hanse merchants that often is overlooked when we try to produce statistical numbers regarding late medieval trade in Northern Europe.

¹⁶ The total number of about 2000 Germans at the *Kontor* in Bergen cited in many descriptions includes boys, assistants and caretakers. In the late Middle Ages there were a total of 28 yards with up to 12 houses, that were used by merchants as business offices: Burkhardt (2005) 139.

Table 1 Merchants with Exports to Bergen in 1378 and Imports from Bergen in 1379 in the Lübeck Pound Toll Lists

	1378 from Lübeck to Bergen (mr.)	1379 from Bergen to Lübeck (mr.)	Difference %
A			
Von Stade, Herder	86½	110	+27.2
Von Borken, Hinrik	70	90	+28.6
Gronow, Johan	177	235	+32.8
Holtkamp, Hinrik	220	295	+34.1
Osenbrugghe, Ditlev	113	155	+37.2
Van Minden, Hinrik	110	160	+45.5
B			
Nortmeyer, Hermen	266 ¹⁷	400	+50.4
Von Alen, Gerard	222	382	+72.0
Van Loen, Hermen	104	185	+77.9
Sluter, Lambert	322½	614	+90.4
Paal, Evert	510	975	+91.2
Schulte, Lambert	150	311½	+107.7
Schonewolt, Nicolaus	80	170	+112.5
Warendorp, Everhard	20	45	+125.0
Notlike, Hinrik	45	117½	+161.1
Von Hamm, Johan	150	417	+178.0
Brandenborch, Hinrik	160	460	+187.5
Cropelin, Nicolaus	62	180	+190.3
Knokel, Ecbert	45	140	+211.1
Vogel, Tideman	16	50	+212.5
C			
Doddeman, Johan	95	470	+394.7
Cusfelt, Werner	10	50	+400.0
Sperling, Hinrik	35	294	+740.0
Warendorp, Hinrik	10	85	+750.0
Muzekop, Bertold	30½	290½	+852.5
Osterwik, Wilke	21	230	+995.2
Von Hamm, Meyneke	32½	447	+1275.4
Stureman, Johan	35	489	+1297.1
Luchow, Amelius	7½	205	+2633.3
D			
Wardebergh, Johan	80½	20	-402.5

¹⁷ Furthermore Hermen Ortmeyer 100 mk. lub.

The first thing which catches the eye in Table 1 is the fact that, while most merchants registered a surplus of imports from Bergen in 1379 over exports to Bergen in the previous year, there were huge differences between individual merchants, ranging from 27.2% to 2633.3%. Before attempting a more general analysis of the Bergen trade, it is helpful to divide the merchants into three groups: Group A consists of all merchants who registered a surplus of less than 50%, group B of those with a surplus of 50% to 250% and group C of those with a surplus exceeding 250%. While these groupings are wholly artificial, they allow us to look for trends and differences in the merchants' business strategies.

First, it is safe to conclude that the differences cannot have resulted from the movement of prices in Lübeck and Bergen. Since most merchants exported cereal products in 1378 and imported fish the following year—and since they were price takers in both markets—their rates of profit would have been more or less equal. Since, however, merchant's surpluses ranged from 27.2% to 2633.3%, there has to be another explanation.

One possible explanation might be experience in the Bergen trade, with some merchants collecting debts older than those contracted in the 1378 season. If that were the case, one would expect to find that group A merchants were tyros, group B merchants old hands and group C merchants not only experienced but also—as aldermen in the *Kontor*—in a position to dominate their fellow Hansards. However, the biographical data we have demonstrate just the opposite.¹⁸ Herder van Stade and Hinrik van Borken (group A) seem to have been at least as active in Lübeck and the Bergen trade as Werner Cusfelt and Meyneke von Hamm (group C). All of them can be traced in the sources back to the 1350s and there is no indication that Cusfelt and von Hamm developed more successful strategies or made better contacts than van Stade or van Borken.

Thus, other factors might be of more importance in the attempt to explain the differences in the pound toll registers. One could be the participation of some, but not all merchants in the Boston trade. As some merchants not only traded flour, malt and beer in Bergen in return for stockfish, but also extended their outward journeys to Boston, where they exchanged dried cod for wool destined for the cloth production centres in Flanders, they would be in a position to make more money than merchants who only traded between Lübeck and Bergen. However, none of

¹⁸ Burkhardt (2009) Prosopographischer Katalog—CD-Rom.

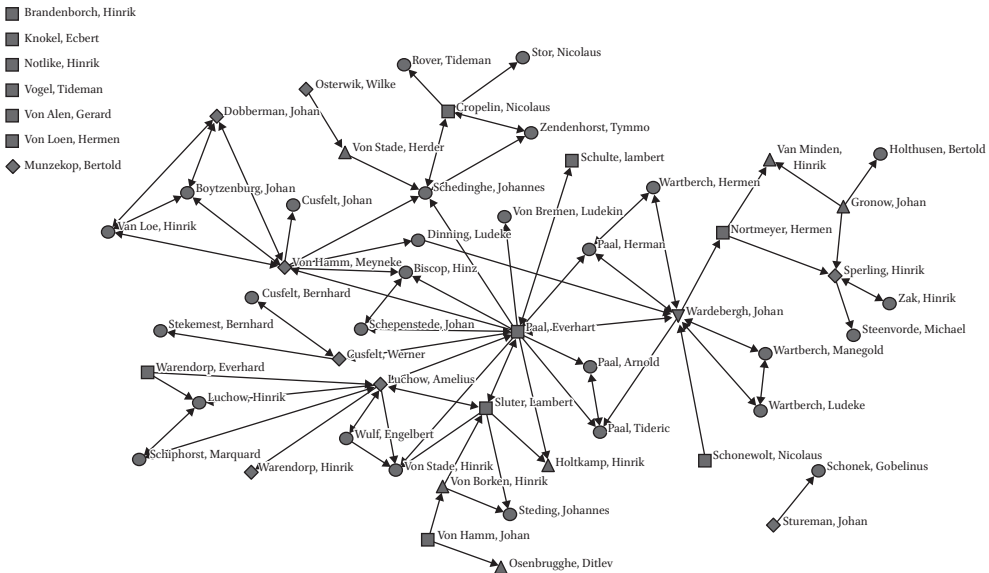
our 30 *Bergenfahrer* can be shown to have traded with England in 1378/79.¹⁹ Furthermore, even if we assume that some of them in fact traded with England, although no extant source records this activity, this would still not suffice to account for the huge difference between Amelius Luchow's surplus of 2,633.3% and Johan Doddeman's of 394.7%.

Another explanation could lie in the relations between the merchants listed in Table 1. Hanseatic merchants' trade was organized in a network system.²⁰ This system was based on interpersonal relations between independent merchants. In contrast to the Italians and South Germans, Hanseatic merchants did not establish large, hierarchical corporations dependent upon factors and commission agents. Rather, they relied on a system of contacts with trusted merchants who were active all over the Hanseatic trade region. Economic and social networks were of essential importance to a merchant's economic success. Thus, if we find evidence for a much closer connection between the merchants in group C as compared to those in group A, we would be justified in asserting that this was the key to their success in the Bergen trade. Page 203/204

Graph 1 shows that all group A merchants had at least one contact within the network of *Bergenfahrer*. Detlev Osenbrugghe is an outrider among the group A merchants, since, while he did have contact with one other *Bergenfahrer*, both were outside the network. For six out of ten group B merchants, however, there is no evidence of any connection within the network, and the same holds true for one out of the nine group C merchants. This would lead one to conclude that the better contacts one had among the *Bergenfahrer*, the less successful one was in the Bergen trade, i.e. that the explanation mooted above is false. This is confirmed if we look at the central figures in the network. If networking was the key to trade success, then we would expect to find a preponderance of group C merchants at the centre of the networks. In fact, we find the opposite: the central figures in the network come from all three groups. Johan Wardebergh—the only merchant that recorded losses in the pound toll calculations—has the second highest number of contacts, although his position in the *Bergenfahrers'* network is not as central as Lambert Sluter's or Evert Paal's (both group B), two merchants who clearly had

¹⁹ Rigby (2005). Although John Gronow, Detlev Osenbrugghe, Herman van Loen (as Loue), Johan van Ham und Ecbert Knokel are recorded in the Boston customs accounts, they only traded with Boston after 1380.

²⁰ Selzer and Ewert (2001); Jahnke (2003); Burkhardt (2009).

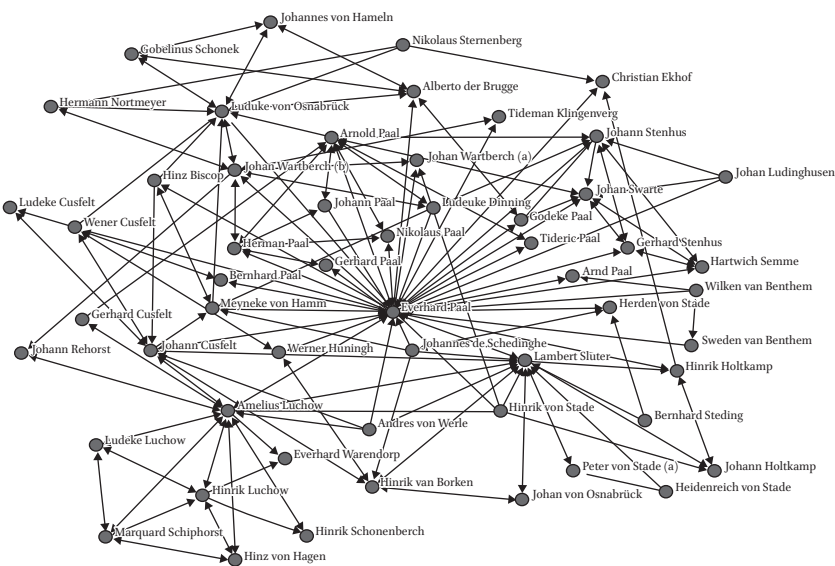


Graph 1 The Position of Everhard Paal (Center) and Lambert Sluter (Upper Left) in the Network of the Bergenfahrers' Core Group 1366–1399.²¹ (Triangle = group A, Box = group B, Diamond = group C, Circle = others)

major strategic roles in the Bergenfahrer network in the second half of the 14th century (graph 2), but signally failed to record a high surplus compared with the merchants from group C. As Sluter and Paal, Wardebergh had direct or one-level-indirect relations²² to several *Bergenfahrer*. Other merchants with significant positions in the network are Amelius Luchow and Meyneke van Hamm (both group C). All other merchants had a more marginal position, irrespective of whether they belong to group A, B or C. We can only conclude that networking was irrelevant for success in the Bergen trade in 1378 and 1379.

²¹ Source: Burkhardt (2009) 322.

²² There is only one intermediary between them and the next *Bergensfahrer*.



Graph 2. The 30 Merchants’ Social and Economical Contacts 1369–1379.

Table 2 Average Exports (1378) and Imports (1379) of Groups A to D

Group	1378 Average Exports (in marks)	1379 Average Imports (in marks)	Surplus
A	129	174	34,58%
B	154	318	106,60%
C	31	285	826,04%
D	80	20	-75,00%

Another striking observation in Table 1 is the comparably low total amount of investment in group C. While most other merchants invested more than 100 Lübeck marks in export goods in 1378 and only two registered exports of a value lower than 45 Lübeck marks, only one group C-merchant exceeded an investment of 35 Lübeck marks in that year. In return the average import value in the following year is higher for group B than for group C (Table 2). Consequently group C’s higher percentage surplusses only result from higher margins.

We can only speculate about the reasons for group C's huge trade surplus. Clearly, these merchants must have had considerable income from other investments not directly related to their exports from Lübeck in 1378. Group C and also group B merchants might have shipped goods from other Hanseatic ports than Lübeck in 1378, they might have traded in Boston, collected older debts in Bergen in the winter of 1379, sent money or loan letters to Bergen, sold an extraordinary amount of fish that was left in Bergen during the winter or even sent goods on detours instead of the direct route from Lübeck to Bergen. Our sources do not yield enough information to settle the matter.

Individual Cases

As we have seen, it is impossible to draw any conclusions on a general pattern of Hanseatic trade with Bergen on basis of the extant pound toll registers alone. They do not provide a statistically sufficient number of goods shipped to and from Bergen and—given the range of surplus of individual merchants—they leave more questions open than they answer. In order to establish a general pattern we would need a whole series of pound toll registers (for a consecutive number of years). Thus, in a last effort to solve some of the mysteries surrounding the testimony of this source we will have a closer look at the individual merchants. Maybe we find some common patterns for the merchants in each group.

One of the assumptions regarding the differences in surplus in the Bergen trade was that the more successful merchants might have been involved in the Boston trade triangle, thus earning more than their counterparts who were restricted to the Lübeck-Boston-Lübeck route. However, the evidence of the English customs accounts does not support this hypothesis. Eight of the 30 merchants can be found in customs accounts of Boston and other English ports. Only one group A merchant, Johan Gronow, demonstrably traded with England, while three group B merchants²³ (out of 14) and four group C merchants²⁴ (out of nine) did so. The case gets even weaker when we take into account that there is no evidence for any trading activities of Hinrik Warendorp, Amelius Luchow, Johan Doddeman, Nicolaus Schonewolt and Johan Gronow in

²³ Johan von Hamm, Ecbert Knokel, Nicolaus Schonewolt.

²⁴ Johan Doddeman, Amelius Luchow, Hinrik Sperling, Hinrik Warendorp.

England before 1380. Thus, only three *Bergenfahrer* can be shown to have been active in the Bergen and the Boston market in 1378 and 1379. Two of them belonged to group B, one to group C. If the—admittedly patchy—English customs accounts are representative, then we can only conclude that the Bergen-Boston-Flanders trade was too insignificant to account for the extraordinary profits of the merchants in group B and C.

For most of the 30 merchants, sources other than the pound toll lists provide us with further biographical information. In order to see if there are differences in the structure of their business and social lives, let us take a closer look at some of this information, concentrating on a few selected examples from each group.²⁵

Hinrik van Borken was not only a *Bergenfahrer*. Sources show that he was also a cloth trader in Lübeck and an active *Flandernfahrer*²⁶ who took citizenship in Lübeck in 1344.²⁷ He had very good connections to the Plescow family which counted quite a few fourteenth and fifteenth century town council members and mayors among its members, and the Osenbrugghe family, which had several *Bergenfahrer* in its ranks.²⁸ Between 1366 and 1389 van Borken's various business activities in Lübeck can be traced in the sources. Alongside of his trade with Bergen, the pound toll lists of 1368/69 register imports of cloth and other goods as well as exports via Oldesloe under his name. This usually means trade with the West, presumably Flanders or England. He did not confine his imports of Flemish cloth to Lübeck. An receipt for payment of pound toll issued in Hamburg shows that he imported cloth worth £32 gr. on 3 June 1369.²⁹ There is also evidence for his trade in the tax rolls of Bruges. In 1372 he and his business partner Hugh Bontscoc imported 19 tons of beer into the Flemish town.³⁰ In 1369 he also traded with herring from Scania.³¹

Nicolaus Cropelin, who had a surplus of 190.30% in the Bergen trade in 1378/79, is one of the most prominent merchants in the Lübeck pound toll lists of 1368/69. Between 18 March 1368 and 10 March 1369 he declared

²⁵ For a complete list of all merchants' data found in the sources see: Burkhardt (2009) Prosopographischer Katalog on CD-Rom.

²⁶ Lübeck merchants who traded with cloth at the Hanseatic *Kontor* in Bruges were organized as the *Flandernfahrer*.

²⁷ Asmussen (1999) 300f.

²⁸ Burkhardt (2009) Prosopographischer Katalog—CD-Rom.

²⁹ Nirrnheim (1910), no. 144, p. 124.

³⁰ Krüger (1992) no. 62/143.

³¹ Lechner (1935) 307, 1375.



Map 2 Imports and Exports of Nicolaus Cropelin

25 cargoes in Lübeck worth a total of 1,024 Lübeck marks³² and destined for Stettin, Rostock, Wismar, Danzig, Scania, and Oldesloe (i.e. Flanders). During the same time Cropelin imported 13 cargoes worth a total value of 2,888 Lübeck marks from Oldesloe (goods originally from Flanders), Scania, Stockholm, Kalmar, Gotland, and Malmö.

Here, however, it becomes apparent that the extant records do not reveal everything. Cropelin's recorded exports eastwards were overwhelmingly destined for the southern shores of the Baltic, while his imports from the East came mainly from Sweden and Denmark. Clearly, he must have been in a position to compensate for this imbalance, perhaps by exporting from the southern Baltic towns to Scandinavia, perhaps by other means. Intriguingly, Cropelin's surplus in trade with the East amounted to 182%. Thus it nearly matches the surplus calculated for Cropelin's Bergen trade in 1378/79. He dealt in a broad variety of goods, including oil, linen, salt, beer, cloth, nuts, almonds, iron, barrels, fish, butter, copper, wheat, anchors, and wire. Nicolaus Cropelin is a good example of how diverse a medieval Hanse merchant's trade could be. Although we might consider him as a *Bergen-* and *Flandernfahrer*, he was active in a lot of other markets as well, clearly spreading his risks and earning money with a number of different

³² Lechner (1935).

commodities traded along different routes. On the social side, he, like van Borken, had contacts to the Osenbrugghe family and was executor of the wills of several Lübeck merchants. Like van Borken, Cropelin was an immigrant, originally from Rostock or Wismar, who took Lübeck citizenship at some point after 1352.³³

Evert (or Everhard) Paal is another illustrious *Bergenfahrer* of the fourteenth century. Indeed, he belongs to one of the best known Lübeck merchant families of the late Middle Ages.³⁴ Descended from a family with long traditions in Lübeck and strong roots in the Baltic and North Sea trade, he quickly established himself as one of the mayor players in the market in the late fourteenth century. In the *Niederstadtbuch*, a registry of corporate trade, loans and other business activities kept in the town hall, we find 41 entries containing his name between 1366 and 1397.³⁵ Already in the 1360's we find him as a very important node in the Lübeck merchants' trade network. Not only did he lend money on the Northern European capital market and was chosen as executor by several merchants, he also registered other merchants' imports under his name in Lübeck's pound toll lists.³⁶ This raises a troubling question about the source value of the pound toll lists. Can we really be sure that no merchant covered the goods of another, registering them with the customers under his own name? Paal's career followed the traditions of Hanseatic business organization in the fourteenth century. His corporate business was mainly concentrated on close relatives.³⁷ He was at the centre of the *Bergenfahrers'* network of executors and also had a good number of one-off business contacts.³⁸

³³ Asmussen (1999) 95, fn 278.

³⁴ For a more complete analysis of some family members' business activities see Jahnke (2003).

³⁵ Simon (2006).

³⁶ Burkhardt (2009) Prosopographischer Katalog—CD-Rom.

³⁷ Burkhardt (2009) 193 (Abb. 4.1), 326 (Abb. 4.19).

³⁸ A one-off business contact is business that can't be related to any firm, most of these business contacts are only mentioned once in the sources, so we do not have evidence of any long-term strategies which included the certain business activities. That doesn't mean that he didn't have other business connections with the same merchants on other occasions, but the single trade activity was no part in a business strategy as we find it in firms/corporate business. The following two examples might help to elucidate the kind of source entries of this category: In 1368/69 Tideman Klingenbergh imported 3 *frusta panni* and 3 *turnnae git* from Oldesloe to Lübeck. In the pound toll lists, though, the import was registered under Everhard Paal (Lechner (1935) 170; Asmussen (1999) 228). In 1370 Hinz Biscop accused Arnold von Kassel on a delivery of 5 barrels of wine. These were originally meant for Johan Schepenstede and Everhard Paal. The town council of Lübeck rejected the allegation on 3 Dec. 1370 (Asmussen (1999) 605f.).

Although the Lübeck pound toll lists do not demonstrate that Paal's trade was as broad as was Nicolaus Cropelin's, his crucial position in Lübeck's trade network and the quantity of business contacts recorded under his name suggest that he, too, was a merchant active not only in Bergen, but also in Flanders, Scania, and many other regions within the Hanse's trading ambit.

Werner Cusfelt, with 35 entries in the *Niederstadtbuch* between 1363 and 1387 nearly as present as Everhard Paal, left two informative wills. In the main, his business contacts were restricted largely to relatives and prominent merchants, among them Everhard Paal himself. From the pound toll lists, we know about Cusfelt's trade with Oldesloe (cloth), Scania (salt), and Rostock (pork, salt, ham) besides his engagement in the Bergen trade. Since the pound toll lists only show Cusfelt exporting to the East and importing from the West, there must have been some counterbalancing transport of goods or specie, but the extant sources do not reveal what it was.

Amelius Luchow, who belonged to Lübeck's town council from 1389, can be found in the *Niederstadtbuch* and the pound toll lists as early as 1368. His six wills show how integrated he was in Lübeck's social and economic life. His marriage to a daughter of a town councillor gave him a good start in business. Even so, there are no more than eight entries under his name in the pound toll lists of 1368/69, with imports from Bergen, Scania, and Oldesloe (Flanders) and exports to the latter two. However, there is no evidence that he traded with Boston before 1404. His case is extraordinary due to the fact that his surplus (2633.3%) in the pound toll lists 1378/79 was derived from minimal exports (7 ½ Lübeck marks) in 1378 and comparatively modest imports (205 Lübeck marks) the following year.

Paal, van Borken, Cusfeld and Luchow were very closely involved in the *Bergenfahrers'* social and economic network in the late fourteenth century.³⁹ Although they occupied important positions in the resource flow⁴⁰ of that network, their exports to Bergen were comparable to those of most other merchants. Of course, it can be demonstrated that many *Bergenfahrer* traded in a number of different markets, but still we cannot explain the complete organization of the trade of one single merchant on the basis of the extant pound toll lists because a lot of information was

³⁹ Burkhardt (2009) 322 (Abb. 4.16).

⁴⁰ Resource flow is a technical term in Social Network Analysis. It means the rapid distribution of resources (mostly information) through the various links between the nodes.

never recorded in them. We know what exports and imports the merchants registered in the Lübeck pound toll lists, but we cannot be sure that these lists give us a complete picture of the merchants' trade activities. Firstly, goods traded via land routs do not show up in the lists, as the toll was only to be paid on shipments by sea. Secondly, merchants might simply have failed to pay their dues, declared lower values of their goods or bribed the collectors. Thirdly, if there was more than one town involved in the levying of pound toll, merchants could choose where to pay the toll. Thus, a merchant might very well have traded in Lübeck, but never paid any toll there. But the main problem is the lack of simultaneous toll lists from all the other ports in the Hanse trade area for the exact same year. Thus, we know, that a merchant may have exported goods from Lübeck to Danzig. We might even find his name in English custom accounts with wool or cloth exports and he may have declared imports from Oldesloe (i.e. the west) in Lübeck. But we do not know how his capital flowed between Danzig and England. Where did the return freight from Danzig go? Is it reasonable to assume that he made high profits on a trade route Lübeck-England-Lübeck alone or was the trading strategy much more complex with several intermediate transactions for which we have no evidence? Did every investment made in Lübeck return to Lübeck? The pound toll lists alone cannot give us the answers to these questions.

With the exception of Nicolaus Cropelin, all our merchants demonstrably had close economic and social connections within the *Bergenfahrer* and other Lübeck merchant groups. At least the merchants of group B and C had vital and central roles as nodes in the *Bergenfahrer* network and had very diverse business strategies, which were not limited to the route Lübeck-Bergen-Lübeck. Thus, there are no significant differences in our merchants' integration in the social and economic activities of the *Bergenfahrer* and those of other Lübeck merchant groups which would explain the huge differences in surplus that we found in the pound toll lists.

IV. *The Source Value of Lübeck's Pound Toll Lists*

The discussion of the *Bergenfahrers'* trade in 1378 and 1379 raised questions about the value of the pound toll lists as a source for empirical research. Not only do they seem to be incomplete for individual merchants' trade via Lübeck, in some cases they do not even contain evidence for all the town's trading partners. For the years 1492-1496 there is no information on the

westward trade at all and in 1368/69 trade with Norway was excluded due to the Hansards' trade boycott. Furthermore exemptions from the toll or simply failure to pay seem to have increased with the length of the collection. Certainly, the precipitous drop in toll income between 1492 and 1496 from 3560 Lübeck marks to 1856 Lübeck marks⁴¹ calls for an explanation, and smuggling cannot be ruled out *ex ante*. Furthermore, we have to ask just how much of the total trade actually was registered in 1492–1496. It is conceivable that quite a good share of commodities aboard Lübeck's ships was never recorded in the official toll lists.

Another problem for the use of the pound toll registry as a source of statistics is the fact that economic cycles can skew the picture. We know that the years around 1500 were some of the darkest in Lübeck's economic history.⁴² It seems safe to assume that already in the years around 1495 there was a slight recession on the horizon brink. In such periods Hanse merchants usually abandoned long distance trade for real estate. Thus, the figures given in the pound toll registry 1495/96 might give us an idea of the town's merchants' Baltic Sea trade during a slump⁴³ (combined with piracy problems in the Baltic Sea area), but by no means present a general picture of Lübeck's overall trade over the long term. As we do not have an unbroken collection of sources that cover a long period of time such as the English Enrolled Customs Accounts,⁴⁴ the pound toll lists only give us a snapshot of trade for a very few individual years. Generalizing from the eight years in the Middle Ages for which we have Lübeck customs accounts would be perilous in the extreme, particularly since pound tolls were only levied in exceptional circumstances.

However, the pound toll lists do provide us with important information about individual merchants' trading activities. Of course, even here there is much that escapes us. First of all, we do not know how many commodities a given merchant sent overland; second, he might have chosen to register parts of his trade in other Hanseatic ports and to pay customs there; third, he might just have engaged in smuggling or under-declaration of goods. We also know of cases where merchants covered other

⁴¹ Vogtherr (1996) 31 (Table 1).

⁴² Hammel-Kiesow (1988) 41–107.

⁴³ See Hammel-Kiesow (1988) 78–84, who notes a slight decrease in toll income from the Graventoll from 1493. Grafenzoll, with a sharp drop in income from the Holstenbrückenzoll in 1496. At the same time (1495–99), investments in the real estate market increased. According to economic theory these are signs of an oncoming recession.

⁴⁴ Jenks (2005–) is calendaring the Enrolled Customs accounts.

merchants' goods, registering them under their own names. Sometimes the real owner of the goods was named in the toll lists,⁴⁵ but of course we have no idea how consistently this was done. If a merchant was paying customs for goods belonging to a firm, only his name was recorded, while the sleeping partner was not mentioned. Finally, the medieval spelling of names is a source of confusion. Thus, we cannot be absolutely certain that the 'Hermen Ortmeyer' who exported goods worth 100 Lübeck marks from Lübeck to Bergen in 1378 was identical with the 'Hermen Nortmeyer' who exported goods worth 266 Lübeck marks the same year.

Even so, we can get an overall picture of a given merchant's main activities. We can see regional focuses in his trade via Lübeck. It seems safe to conclude that especially in difficult situations—and there is not much doubt that this was the case in 1492–96—a merchant will have concentrated his trade on areas and markets that he knew well. Thus, the pound toll lists give us information of the preferred markets and trade routes for many of Lübeck's merchants.

V. *The Middle Ages and Cliometrics*

As careful as most historians are with any information in the sources, they are often enough careless with regard to numbers. This is particularly true of all quantitative data from the Middle Ages, which, after all, was not collected with the intent of producing statistically valid data. Seen in this light, the results of this study lead us directly to question the value of cliometry as a useful method for studying the Middle Ages. It is not only the pound toll lists that provide us with a lot of data of unknown reliability. Figures regarding economic or social developments gleaned from the surviving sources from the Middle Ages and the Early Modern period must generally be suspect. Since the Middle Ages knew no fully centralized bureaucracy which systematically collected and recorded statistics on trade or any other economic activity, there will always be doubt about whether the sources give us a complete picture of the economy or its individual sectors. There are simply too many blind spots and unknowns. Thus the likelihood of error in cliometrical studies based on these sources is comparatively high. Thus I regard it as impossible to come up with any

⁴⁵ In 1368/69 Everhard Paal registered goods belonging to Ludeke von Osnabrück (a) (Asmussen (1999) 228) and Tideman Klingenbergh (Lechner (1935) 170).

reliable estimates of, for instance, total production of goods, trade volume or average income for any medieval period or region. Consequently, comparisons of different towns', regions', or realms' economic development are of dubious value.

However, what is possible at least is to arrive at a minimum estimate for some economic factors. If we have a toll list, for example, we can at least be sure that the goods registered indeed were brought to or sent from the respective town. The same is true for lists containing tax revenues or expenditures on social welfare. However, we are only rarely able to double-check the figures.

VI. *Business as Usual*

Indisputably, there must have been a 'normal' trade with Bergen. However, our sources do not suffice to discover more than the general pattern and the variety of commodities, the trade routes and the interdependencies between foreign merchants, local townsfolk and intermediaries. For the reasons discussed in this paper—goods customed elsewhere, merchandise which by-passed Lübeck, goods covered by another merchant, the short timespan covered by the accounts—we cannot reconstruct in detail the trading activities of any particular merchant in a given year with confidence. While linking other sources to the pound toll lists might go some way to ameliorating this parlous state of affairs, it is not likely to illuminate everything. But the purpose of this paper was not to belabor the notorious fact that much medieval trade was never recorded and many records have vanished, but rather that historians have failed to take account of the nature of the sources themselves when posing the questions which they have traditionally put to them. In particular, traditional Hanseatic historiography proceeded from the unquestioned assumption that the pound toll lists and registers are complete and reliable registers of a given town's trade, and hence of the trade of the individual merchants of that town. Surely this paper has demonstrated that this is not the case. Consequently, we have to bear in mind the nature of the sources—what those responsible wanted recorded, what they regarded as immaterial—when framing the questions we put to the records. Failing that, the most exhaustive study of the sources will produce nothing but false conclusions.

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MOBILITY AND BUSINESS ENTERPRISE IN THE HANSEATIC WORLD:
TRADE NETWORKS AND ENTREPRENEURIAL TECHNIQUES
(SIXTEENTH AND SEVENTEENTH CENTURIES)

Marie-Louise Pelus-Kaplan

In a famous book, Richard Ehrenberg qualified the sixteenth century as the 'Century of Fuggers',¹ and in his wake historians were eager to find other examples of these first big capitalistic merchant and banking enterprises in sixteenth and seventeenth century Europe.² Attention was also drawn towards the English ancestors of the big joint-stock trade and colonial companies founded in the middle and second half of the sixteenth century. These companies reached their apex in the beginning of the seventeenth century, with the Dutch East and West India Companies, the VOC (1602) and the WIC (1621).³ But, most of the brilliant stars of sixteenth century commercial and banking affairs collapsed sooner or later; in the seventeenth century, the Fuggers still existed, but most of their income at that time came from their rural demesnes.⁴ The difficulties that South German merchant bankers met with as early as the second half of the sixteenth century⁵ served as an argument in the debate about the state of Germany on the eve of the Thirty Years War. The impact of the latter can be considered differently according to the general state of the German economy at the end of the sixteenth and the beginning of the seventeenth century. In an important study, Friedrich Lütge underlined the fact that, despite the difficulties or even the failure of most Augsburg firms at the end of the sixteenth century, the German economy was still healthy and flourishing. As an illustration of this thesis, he insisted upon the prosperity of numerous North German small trade enterprises, among them those of the Hansards.⁶ The theme of the German Hanse as a mercantile phenomenon deserves, in fact, to be examined not only as a medieval

¹ Ehrenberg (1896).

² Léon (1977, 1978); Jeannin (1957).

³ Braudel (1979).

⁴ Burkhardt and Karg (2007).

⁵ Bergier (1979) 105–30.

⁶ Lütge (1963).

phenomenon, but of the early modern period as well, and not only from an institutional point of view, but also from the point of view of the history of enterprises.

During its six centuries of existence, and even after 1669—it is traditionally considered that the dissolution of the old medieval organization took place in 1669 because it was the year of the last *Hansetag* (Hanseatic Diet)—, the Hanse was, in fact, not only a cluster of urban networks, but, first and foremost, a huge series of merchant enterprises and networks, which, at the beginning, operated principally in Northern Europe, and later on, gradually, in other parts of Europe.⁷ In the early modern period, the Hansards were able to manage without the same favorable privileges which their forefathers had enjoyed in the fourteenth and fifteenth centuries, at the time of the German Hanse's heyday.

The late Hanseatic times (*Hansische Spätzeit*) are often considered as a period of decline, but in reality things were not very different from what was to be observed in the Middle Ages. In the sixteenth and seventeenth centuries, Hanseatic trade enterprises still played a prominent part in the exchanges between North and East Europe on the one hand and West and South Europe on the other. What was new was the general European context, because of new geopolitical conditions in Northern and Eastern Europe, and even more so because of the general growth of the European economy, especially the so-called 'Atlantic economy'. At that time, Hanseatic towns flourished and profited hugely from the 'Atlantic economy', contrary to the old legend that they started to decline in the sixteenth century because of the 'Great Discoveries'. Indeed, it is no longer fashionable to consider the *Hansische Spätzeit* as a phase of decline (*Niedergang*). Historians now prefer to call it a phase of transition (*Übergang*):⁸ after 1669 indeed, even if the membership of the organization had fallen to three (the 'Hanseatic towns' Bremen, Hamburg and Lübeck), Hanseatic families and trade networks on the contrary survived and went on trading, more or less intertwined with Dutch networks.

In the context of what German historians like to call the 'long sixteenth century' (from the beginning of the sixteenth century until the middle of the seventeenth century), it is interesting to study on the basis of

⁷ Dollinger (1964); Hammel-Kiesow (2000); Selzer and Ewert (2001); Jahnke (2003); Burkhardt (2009).

⁸ Graßmann (1998).

merchant archives, which are more numerous and more exhaustive than those of the medieval times, how Hanseatic merchants succeeded in adapting their traditional commercial techniques, their traditional forms of management, of bookkeeping, and so on to the new political and economic context. All these traditional forms of organization were closely linked to the 'culture' which characterized the Hanseatic trade enterprises up to the late Hanseatic period.

In his studies on Hanseatic medieval merchant societies, Albrecht Cordes shows that, if the typical forms of merchant organization were derived from ancient local models, they could have been influenced later on by Roman law and by Italian or western models, especially in the late period of the German Hanse. He also emphasizes how important it is to study merchant archives of this later period and work out the organizational structures and techniques.⁹

I have had the opportunity to trace the evolution of these traditional techniques in the early modern era on the basis of a series of merchant archives of the city of Lübeck. The papers of Wolter von Holsten, which I studied a long time ago,¹⁰ and Hans Moller's accounts book¹¹ which I examined more recently (the latter belonging to the documents recovered after the dissolution of the Soviet Union), give a very detailed view of Hanseatic trade in Russia and Livonia at the end of the sixteenth century and during the first quarter of the seventeenth century. In these two nearly contemporary cases, the same interests, the same networks, and even the same people to a certain extent were at stake. But I have used other sources as well, especially documents relating to the Lübeck merchant and senator Hinrich Köhler;¹² some Lübeck probate inventories and testaments of the time will also be taken into account,¹³ as well as the archives of the Imperial Chamber Court (*Reichskammergericht*) which have been studied by Pierre Jeannin and more recently by Albrecht Cordes.¹⁴

⁹ Cordes (1998); Cordes (1999a) 78; Cordes (1999b).

¹⁰ AHL Privat Wohltätigkeitsanstalten, Wolter von Holsten Testament; Pelus (1981).

¹¹ AHL Geschäfts- und Firmenarchive, Hans Moller Geschäftsbuch 1575–1583; Pelus-Kaplan (2005).

¹² AHL, Familienarchiv Köhler 1, 2, 4; Privatwohltätigkeitsanstalten: Heinrich Köhler Testament 1, 2, 4; Pelus (1993).

¹³ AHL, Alte Gerichte, Reichskammergericht, Privatwohltätigkeitsanstalten, Familienarchive, Firmenarchive, Eickhölter and Pelus-Kaplan (1993); Pelus-Kaplan (1997).

¹⁴ AHL, Reichskammergericht B 72; Jeannin (1963); Jeannin (1996); Cordes (2005).

I. *Migration and Mobility: Two Essential Features of Hanseatic Merchants' Culture in the Early Modern Period*

The Lübeck archives show that until the seventeenth century, and probably even later on, Low German-speaking merchants from the western part of the Holy German Empire (that is to say from Westphalia and from the eastern Netherlands: Deventer, Zwolle, Kampen, etc.) continued to migrate to Lübeck and the Baltic (beyond Lübeck, to Prussian or Livonian Hanseatic towns). While migration from Westphalia to Lübeck or the neighboring towns (e.g. Hamburg) was usually definitive, departures from Lübeck towards the east were often reversible. We can see how some members of families living in the Livonian cities regularly came back to Lübeck in the course of the sixteenth century, whereas other members of the same families stayed in Livonia. Contemporary merchants' testaments clearly reveal a multi-urban identity: Westphalians or Livonians who died in Lübeck remembered on their death-beds the members of their family living either in Westphalia or in Livonia, even if most of their legacies went to people living in Lübeck, their new home town.¹⁵ Note that it was mainly younger brothers and some women who migrated to cities far away from their birthplaces, while the eldest son tended to stay in the city where he was born. However, this was not a strict rule, even the eldest sons could move to other cities.¹⁶

Still, the Hanseatic merchant, in the sixteenth and seventeenth centuries as well as in the Middle Ages, was anything but sedentary; indeed, he was perpetually on the move. Mobility was the rule for all young men: future merchants were almost always sent, while still very young, to a distant city for apprenticeship; later on, the young *Diener* (commercial assistant and traveller) was bound to travel on account of his employer (*Herr*), who was often, but not necessarily, his father or another family member (uncle, cousin, step- or godfather, etc.); these trips allowed the *Diener* to get to know the whole Hanseatic trade from the eastern Baltic to Spain and Italy, including Norway, Iceland or even Greenland. If travel was typical for merchants, this was especially true for middling traders like Wolter von Holsten or Hans Moller.¹⁷ From the latter's accounts book it is possible to work out that Moller, before his first marriage at the age of thirty eight, had typically spent most of a given year in Livonia (in

¹⁵ Pelus (1994); Pelus-Kaplan (2005); Jahnke (2003).

¹⁶ Cowan (1986); Pelus-Kaplan (2009).

¹⁷ Pelus (1981) 24–34; Pelus-Kaplan (2005).

Reval, Riga, Pernau, Dorpat) and often had travelled onwards to Russia (in particular to Pskov) for business. Since he regularly spent two or three months of the year in Lübeck, it is clear that he was accustomed to travelling long distances. Although Hans Moller seemed to have remained in Lübeck for most of the year after he got married for the first time, he still had to travel regularly to Livonia and Russia.¹⁸ The same held true for older and wealthier merchants. As the case of Hinrich Köhler shows, trade or politics (if one belonged to the town council) could continue to draw one overseas. However, trips to foreign countries became less frequent as merchants grew older. From the 1550s onwards, Senator Hinrich Köhler preferred to stay in Lübeck (where he died in 1563), pursuing activities compatible with sedentary life like investing in real estate or in providing loans.¹⁹ While we have to acknowledge the fact that a Hanseatic merchant, whatever social group he belonged to, would spend a good deal of his life travelling long distances by sea or by land, it is obvious that this high degree of mobility was linked to the structures of Hanseatic trade and also had consequences for the entrepreneurial organization and the commercial techniques of Hanseatic business.

II. *The Entrepreneurial Culture of Hanse Merchants: An Answer to the Necessities of Mobility and Swift Reaction to Changing Circumstances*

From the Middle Ages until the seventeenth century, the Hanseatic trade system consisted of regular exchanges of bulk goods between Northeast Europe (Russia and Livonia) or Northern Europe (Scandinavia) on the one hand, and Western or Southern Europe on the other (the Netherlands, Great Britain, France, Spain and Portugal, Italy). As a consequence, Hanseatic merchants' business enterprises were bound to exist at both ends of the commercial routes, and even more so at vital or strategic spots, which implied the need for constant merchant mobility, or for co-operation between people living or staying in distant places. This could be achieved either in the form of associations between burghers of different cities, or by a system of representation abroad.²⁰

¹⁸ Pelus-Kaplan (2005).

¹⁹ Pelus (1993).

²⁰ At the same time (end of the Middle Ages and sixteenth century), the English were setting up a network of resident commercial agents around their trading areas, and especially in the Baltic area (Jenks, 2006, 42–4).

Business enterprises in the Hanseatic world were usually based on family ties.²¹ The structure of families, which were, as we have seen, normally scattered through cities which were often very far away from one another, favored the setting up of businesses associating people living at different strategic points along a commercial axis. Many solutions were possible, but the most valuable one was to have associates in several distant commercial places, rather than salaried employees. The combination of an individual enterprise in one town (e.g. Lübeck) and several forms of association (*masschopyen*, *mascopeyen*) with people living or staying temporarily in other remote cities was common and could take various forms.

One of the oldest and best known forms was the *wedderlegginge* (or *Widerlegung*), that is to say the partnership of a merchant who contributed most of the capital with another who contributed only a small part of the capital but did most or all of the leg work, with profits and losses equally shared. This form of society usually lasted for many years and, when it was wound up, the investment (*hovetstol*, *Hauptstuhl*) was returned to the sleeping partner (the supplier of the capital).²² The fact that the partner who did most of the work was sometimes called *Knappe* or *Knecht* (servant) in the sources, whereas his partner was generally called *Herr* (boss) suggests that the *wedderlegginge* was in many cases derived from a previous relationship between an employer and an employee, or between an elder and a younger relative. This was clearly the case in the examples of Wolter von Holsten and Hans Moller.²³ Far from being a typical form of exploitation of labor by capital, this form of association was a good instrument for enhancing one's social status in Hanseatic society, since it allowed young self-made men, like our two sixteenth century Lübeck merchants, to accumulate capital, and favored the possibility for a young man to found a proper enterprise²⁴ or to enter other associations.

The *vulle* (or *vullkommene*) *masc(h)opey*, as our sixteenth-century sources call it (German legal historians prefer the modern term *offene Handelsgesellschaft*), was an association of two or more merchants, each of them contributing a certain amount of capital and labor; typically,

²¹ Selzer, Ewert (2001); Hammel-Kiesow (2000) 86–9; Jahnke (2003).

²² Ebel (1950); Cordes (1998) *passim*; Cordes (1999a) 71–5; Cordes (1999b) 67–71; Cordes (2005) 530.

²³ Hammel-Kiesow (2000) 89–90; Sprandel (1999) 85–6; Jahnke (2003) 106–7; Pelus (1981) 27–35; Pelus-Kaplan (2005).

²⁴ Pelus (1981) 34–5; Pelus-Kaplan (2005) 539–40; Irsigler (1998) 718; Jahnke (2003) 106–7.

profits and losses were shared equally, but occasionally they could be distributed in proportion to each partner's capital investment. A very common form of merchant society in the Hanseatic world at the beginning of the early modern era²⁵ was what Gunnar Mickwitz termed the *Fernhandelsgesellschaft auf Gegenseitigkeit*; it was based on the association of merchants living in two or more distant towns, whether Hanseatic or foreign.²⁶ But in the Lübeck merchants' archives, we discovered forms of associations combining some features of the *wedderlegginge* with features found in the *Fernhandelsgesellschaft auf Gegenseitigkeit*.²⁷ In all these cases, the purpose was to allow merchants who lived far apart from one other to work together in their mutual interest. From time to time, of course, they had to meet, either to settle accounts or change the conditions of their cooperation, or to close their accounts. Meanwhile, for the accomplishment of the work, they had to correspond on a regular basis.

Lübeck's merchants' business enterprises in the sixteenth century were rarely based on a single association. Most of the time, a single, central enterprise was combined with a number of separate companies,²⁸ which could vary from the point of view of their structure and/or duration. The case of Wolter von Holsten shows that several of them were short term partnerships, formed for one or two commercial expeditions only,²⁹ whereas a *Fernhandelsgesellschaft auf Gegenseitigkeit* lasted for several years (in the two cases studied, from three to eight years).³⁰ It is hard to tell what form of association was the most frequent since both forms—the short lived one and the long lived one—were practised by the same person, but for different aims and in different fields of action. The ratio between short- and long-term companies in which one merchant participated could vary within a commercial career and because of external factors. The example of Wolter von Holsten shows that short-lived associations with different persons and the *Fernhandelsgesellschaft auf Gegenseitigkeit* with the Reimers brothers were practised side by side at the same time.³¹

It was also common for a merchant to entrust his goods to another to be traded on his account, and this was repaid later by a similar service: the

²⁵ Stark (1993) 193.

²⁶ Mickwitz (1937); Mickwitz (1938).

²⁷ Pelus (1981) 119–51; Pelus-Kaplan (2005) 541.

²⁸ Pelus (1981) 85–151; Cordes (2005) 522–3; Pelus-Kaplan (2005) 540–2; Jahnke (2003) *passim*.

²⁹ Pelus (1981) 122–8.

³⁰ Pelus (1981) 124–8; Stark (1993) 194; Cordes (2005) 528; Pelus-Kaplan (2005) 538–42.

³¹ Pelus (1981) 122–32; Pelus-Kaplan (2005); Stark (1993) 194.

very common use of the commission was indeed another way of solving the problem of distance and of responding to the need for mobility.³² The term *Sendeve*, which is also used in the literature for the goods handed over to a partner,³³ a very ambiguous term which gave rise to all sorts of interpretations, does not appear in my documents. According to Albrecht Cordes, this form of commission occurred, in the Middle Ages, exclusively between members of a previous association or *Widerlegung*.³⁴

The frequent resort to commission allowed sixteenth century Lübeck's merchants' business enterprises to adapt their structures to changing circumstances. When merchants tried to launch a new venture, for instance in the Russian port of Narva, where the situation in the 1560's and still more in the 1570's was often uncertain, one of them received a commission from another one. If the venture proved to be profitable and if the economic outlook was good, the agent (commissionaire) could soon become an associate; but if things went wrong, a former associate could become a simple commissionaire for this branch of the trade.³⁵

Another form of partnership was the purchase of parts on merchant ships. These parts could be bought and sold very easily. This form of investment helped to enhance the remarkable flexibility of business enterprises in the Hanseatic area. Merchants could thus react extremely swiftly to changing situations: if opportunities were good, as was, for instance, the case in Spain and Portugal in the 1570's, specialists of the Baltic trade bought one or more parts on the big ships of the so-called *Spanienfahrt* and were thus able to participate in the salt-trade and to increase their profits rapidly.³⁶

Some features of Hanseatic business organization, which could be interpreted as symptoms of backwardness,³⁷ were in reality crucial in providing flexibility. For instance, most of the small short-lived associations were founded without a written contract; if there was one, it could have been written later, when partners were sure that the association was solid and profitable and thus viable in the long term. This was the case for the association between Wolter von Holsten and the Reimers brothers: the contract was not written at the beginning of their collaboration, but only after two years, at the time of the reorganization of a previous

³² Mickwitz (1937); Mickwitz (1938); Stark (1984).

³³ Sprandel (1999) 85.

³⁴ Dollinger (1964) 207; Cordes (1998) 5, 33–4, 161–2, 320; Cordes (1999a) 75; Hammel-Kiesow (2000) 90; Sprandel (1999) 85–6.

³⁵ Pelus (1981) 148–51; Sprandel (1999) 88.

³⁶ Jeannin (1975).

³⁷ Stromer (1973); Stromer (1976).

association—founded without any written contract—between the same persons. A written contract could be relatively vague, avoiding, in particular, a definition of the duration of the association. As for the work and capital to be contributed by each partner, a close reading of the documents shows that the tasks attributed to the associates and the amounts invested by each of them could be very roughly specified, giving way to all sorts of arrangements according to changing circumstances.³⁸ It is clear that these societies functioned in a very pragmatic way, which was an asset from the point of view of flexibility and adaptability.

Historians of bookkeeping have falsely called the single-entry bookkeeping commonly employed by Hanseatic merchants a '*système des facteurs*', maybe because some authors were struck by the structure of the accounts in the case of a *Fernhandelsgesellschaft auf Gegenseitigkeit*.³⁹ Sixteenth-century Hanseatic merchants' single-entry bookkeeping has been considered a sign of backwardness as well, compared with the sophisticated double entry bookkeeping used at the same time by Italian, South German or Dutch merchants,⁴⁰ and the same holds true for the principle of keeping separate books, or accounts on separate sheets, for different branches of a business. But it becomes clear that these apparent failings, which certainly prevented a merchant from having an overview of all his affairs at the same time, were crucial for flexibility. These simple techniques made it easier for a merchant to adapt his account books to changing circumstances: he only had to suppress or add separate accounts without changing anything in the rest of his books.⁴¹

To sum up: in the sixteenth and seventeenth centuries, long distance exchanges within the Hanseatic trade area still went on along several main commercial lines—for instance north-east—south-west, or south-north—with various secondary branches being linked to the main routes. This relatively simple trading system was served by a complex network of small enterprises and merchant families; in other words a complex network of a great number of merchants living or trading in distant places, who invested in several businesses at the same time, who knew each other well because they were ceaselessly travelling and had found different ways of associating or making persons living very far away from one another work together.

³⁸ Pelus (1981) 128–39, 145–51.

³⁹ De Roover (1937).

⁴⁰ Penndorf (1913) 99–107, 189–92.

⁴¹ Pelus (1981) 152–86; Pelus-Kaplan (1994).

These structures may appear rather primitive when compared with Italian or South German enterprises and commercial techniques of the sixteenth century. We can cite Jakob Strieder who said that whereas a North German merchant had several businesses, the South German banker or merchant had in the course of his life one enterprise only, which he managed alone with the help of a few companions.⁴² If the Hanseatic network system, combined with a few simple techniques (for instance traditional single entry book keeping), had in fact little in common with the big Italian or South German capitalistic merchant and banking enterprises—e.g. the emblematic Fugger family—of the same period, the simplicity of the Hanseatic business structures did offer a remarkable capacity for adapting to exogenous change.

III. *The Evolution of Lübeck Enterprises and their Adaptation to a New Context in the Early Modern Era*

Contacts with non-Hanseatic forms of business organization had been commonplace since the late Middle Ages. In the fourteenth and fifteenth centuries, Hanse merchants usually met Flemish, Italian, English or South German partners, especially in the *Kontore* of Bergen, Bruges and London, or in Venice, and thus had been exposed to new forms of bookkeeping, new methods of payment and credit.⁴³ The Veckinchusen family's relatively 'modern' bookkeeping technique at the beginning of the fifteenth century can only be explained as a consequence of the presence of members of this family in Bruges and Venice.⁴⁴ A few South German merchants settled in Hanseatic towns, especially in Lübeck, at the end of the fifteenth and beginning of the sixteenth century, and this provided another opportunity for Hanseatic merchants to become acquainted with more advanced management techniques.⁴⁵ Indeed, big family-companies with many agents abroad and a vast system of local offices all over Europe existed within the Hanseatic world already in the fifteenth century (for example, the society of Jan Falbrecht, Wittich Morser and David Rosenfeld, which Wolfgang von Stromer called a *hansischer Konzern*);⁴⁶ a few big Hanseatic enter-

⁴² Strieder (1935) 97; Cordes (2004); Cordes (2005) 524.

⁴³ Cordes (1998) 308–14.

⁴⁴ Irsigler (1985); Stark (1993) 193, 200; Stark (2000) 97–107; Cordes (1998) 235–60; Cordes (2005) 525.

⁴⁵ Nordmann (1933); Nordmann (1939); Pölnitz (1953).

⁴⁶ Stromer (1974).

prises appeared at the end of the Middle Ages and at the beginning of the early modern era (for instance, the Sputendorf/Spodendorf family in the mid-fifteenth century and the Loitz in Stettin in the sixteenth).⁴⁷

Lübeck, however, was truly devoted to the Hanseatic tradition and tried to uphold it in the sixteenth century, certainly because the city's influence rested on the traditional trade structures of the Hanseatic world, and presumably because the ruling group was conscious of the advantages of the traditional forms of organization, facilitating flexibility and adaptation. Although most of the city's enterprises still followed the traditional scheme⁴⁸ at that time (that's what one would expect if one wants to keep a tradition alive), using traditional techniques, the documents in the Lübeck archives show that these old techniques had been re-worked again and again and had reached a pinnacle after 1550, in a favorable context for Hanseatic trade. More particularly, traditional Hanseatic single-entry bookkeeping was, by then, characterized by clear and accurate ledgers which perfectly fitted the commerce of the numerous *Fernhandelsgesellschaften auf Gegenseitigkeit*, clearly showing how benefits were obtained and even calculating them.⁴⁹ In the first half of the seventeenth century, Lübeck merchants began to practise double-entry bookkeeping, either abandoning traditional Hanseatic bookkeeping altogether or—as was commonly the case—by using both techniques successively or even side by side, depending on the branch of their trade.⁵⁰ The structure of most of business enterprises in seventeenth century Lübeck does not seem to differ much from the scheme commonly observed in the previous century.

But as early as the middle of the sixteenth century, Lübeck could boast some more 'modern' companies; the firm of Gert von Brocke, Hermann Carstens and Hinrich van Campen, founded in 1549,⁵¹ associated three persons living in the same town (Lübeck) with a clear specialization of each member; this company used a unique trade-mark and practised double-entry bookkeeping;⁵² two of the three associates were obliged to work exclusively for the company in which they were dutybound to invest all their profits. This company, although conservative in many ways—Albrecht Cordes stresses the fact that some paragraphs in the firm's

⁴⁷ Hammel-Kiesow (2000) 91–2; Papritz (1932); Papritz (1957); Böcker (1998).

⁴⁸ Cordes (2005) 530–1.

⁴⁹ Pelus (1981) 152–86; Pelus-Kaplan (1994); Pelus-Kaplan (2005) 542–3.

⁵⁰ Pelus-Kaplan (1994) 39–40.

⁵¹ This firm was studied on the basis of the acts of the Reichskammergericht (Imperial Chamber Court).

⁵² Jeannin (1996); Jeannin (1963); Cordes (2005); Hammel-Kiesow (2000) 92.

contract derive from old Hanseatic customs and thinks that, overall, it was rather conservative in character—was from other points of view (the fact that the three members lived at the same time in the same town, the fact that they practised double entry book keeping) exceptional in sixteenth century Lübeck.⁵³ Lübeck was not alone in beginning to adapt modern business methods and structures. Other cities, like Hamburg or Danzig, welcomed refugees and traders from the Netherlands and the Iberian peninsula in the sixteenth century, who brought with them new forms of organization and new management techniques. In the seventeenth century, Hamburg and Danzig emerged as the leading Hanseatic towns, not only in terms of demography but also from an economic point of view.

IV. *Conclusions*

In sixteenth-century Lübeck, the traditional entrepreneurial culture of the Hanseatic world was at its most accomplished state, perfectly adapted to the traditional Hanseatic trade system. Mobility and flexibility were the keys to Hanseatic success, as was demonstrated by a number of small or middling firms which combined individual ventures and various forms of business organization between persons well known to one another (e.g. relatives or friends), but living and working far apart. These enterprises and their techniques may look primitive compared to other forms of organization or commercial techniques then current in Italy, the Netherlands or South Germany. However, small Hanseatic enterprises frequently achieved remarkable profit rates.⁵⁴ They survived the Thirty Years War and continued long after the last Hanseatic Diet in 1669, constantly reorganizing and adapting themselves to a changing economic environment. That is why historians now tend to be more appreciative of the role of small Hanseatic enterprises and Hanseatic networks in European economic history.⁵⁵

If we want to define the originality of the German Hanse as a mercantile phenomenon, we must continue to analyse the management and functioning of Hanseatic business enterprises. In accordance with Albrecht Cordes, I would like to underline the importance of using the unpublished accounts of Hanseatic merchants as a starting point for any

⁵³ Cordes (2005) 530; Jeannin (1963); Jeannin (1996).

⁵⁴ Pelus (1981) 388–408; Pelus-Kaplan (2005) 540.

⁵⁵ Selzer, Ewert (2001); Jahnke (2003).

analysis. The time is propitious: Several merchants' accounts books of the sixteenth and seventeenth centuries have been returned to the archives in Lübeck and other old Hanseatic towns and await the attention of historians,⁵⁶ of which Hans Moller's accounts book is but one example. My analysis of this document is not yet finished, because the accurate study of such documents is time-consuming. The fact that Hans Moller's accounts confirm what I had already seen of Hanseatic commercial techniques in the archives of Wolter von Holsten and the Reimers brothers is not surprising. It clearly shows that small or midsize Hanseatic enterprises involved in Russian and Livonian commerce in the second half of the sixteenth century followed the same scheme and were in many respects very similar to their predecessors at the end of the Middle Ages, while at the same time capable of improving old Hanseatic methods, as shown by their distinct form of bookkeeping.⁵⁷

In the seventeenth century, while the medieval Hanse withered away, small Hanseatic enterprises went on trading, thus demonstrating their ability to adapt to new circumstances. After 1672, for instance, Lübeck merchants invested massively in renewed commerce with France, especially in the wine trade.⁵⁸ I think it would be interesting to utilize merchant archives of the seventeenth and eighteenth centuries in order to determine how long the old German Hanse could survive after 1669 in the form of merchant networks. In so doing, we probably need to consider the German Hanse as a vast series of family and commercial networks ceaselessly adapting themselves to changing circumstances, using very flexible and at the same time often pragmatic entrepreneurial techniques.⁵⁹

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⁵⁶ Pelus-Kaplan (1997); Kruse (2005); Letz (2005).

⁵⁷ Pelus-Kaplan (2005) 543–4.

⁵⁸ Pelus (1985).

⁵⁹ Hammel-Kiesow (2000) 86–9, 14–21.

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CONCLUSION*

Stuart Jenks

It is the much-resented privilege of scholars on the cusp of retirement (or rapidly approaching their sell-by date, depending on one's point of view) to write articles mapping out the future course of research. While no one takes much notice of these well-intended pastoral letters, they do have a certain justification. After all, a field in which no one reflects on the research agenda (and the appropriate methodology) is intellectually dead. Moreover, ruminations on 'Where are we? Where should we be heading?' have a certain tradition in Hanseatic research. The founding of the Hanseatic History Association in 1871 witnessed an intense debate about the '*Stand und Aufgaben der Hanseforschung*',¹ Rörig wrote an article with that very title in 1947,² Ahasver von Brandt³ and Ernst Pitz⁴ offered similar contributions, and in 1993 a conference in Lübeck was convened to look into the same question.⁵ Continuing this tradition is, in my view of it, a challenge to think outside the box, as the felicitous phrase has it, and I propose to take it up.

I. *Networks and the Hanse*

These days, networks are all the rage among historians, but there is still no general agreement on what criteria must be fulfilled before we can properly speak of a 'network'. Indeed, as Mike Burkhardt has pointed out elsewhere,⁶ historians have indiscriminately pasted the label 'network' on all sorts of social structures with the same conspicuous lack of due diligence which rating agencies like Standard & Poor's displayed when

* Many thanks to Rolf Hammel-Kiesow and Albrecht Cordes for critical comments. The responsibility for any remaining errors is mine alone.

¹ von Brandt (1970) 3–16 summarizes the debates.

² Rörig (1950).

³ von Brandt (1973).

⁴ Pitz (1961).

⁵ The papers were published in Hammel-Kiesow (2002). See also Selzer and Ewert (2005) 8–18.

⁶ Burkhardt (2009) 39–40, cited approvingly by Jahnke (2010) 189.

scattering AAA ratings hither and yon in the Noughties. To be sure, Stephan Selzer and Ulf Christian Ewert have labored mightily to make the case that the medieval Hanse fits into the theoretical framework of networks and have argued that this is a good explanation of why the Hanse was successful for so long and why it eventually withered away in the seventeenth century.⁷ Deciding whether or not a model roughly seems to fit the historical record is, of course, only the first step in the reception of a theory, and for that purpose it is sufficient to cite suggestive examples, as do Selzer and Ewert. However, the next, essential step is to investigate particular examples intensively and systematically to see just how well the model fits the record in detail. This has been done over and over again for the modern period,⁸ but not yet for the Hanse, with one sterling exception.⁹ This is perhaps just as well, since Hanseatic scholars (and indeed medievalists generally) can profit from the modernists' debate about definitions and methods.

Not only in the context of the Hanse, business networks have been generally understood to be non-hierarchical virtual organizations characterized by iterative business activity. Frequently, these networks were based on pre-existing social networks, be they ethnic (Jews, Cornishmen, Welshmen) or religious minorities (Quakers, Methodists) in the diaspora or united by kinship or by common culture and values (both Hanse). These unifying elements generate a higher level of trust—a central concept—among members of the business network, which in turn obviates the need for regulation of behavior by formal structures and rules or indeed by contractual obligations among members, who cooperate with one another on a case-by-case basis. Within the network, reliable, but costless information flows from member to member, trust lowers transaction costs and organization costs are minimized. The network solves the agency problem by means of its common values (which discourage free-riding and malfeasance) and multilateral reputation mechanisms (malfeasants are ostracized by all members of the network). The network can also serve as

⁷ Selzer and Ewert (2001, 2007, 2010a, 2010b).

⁸ Burt (2003); Pearson, Richardson (2001). See also the critique of Pearson and Richardson by Wilson, Popp (2003) and the response by Pearson, Richardson (2003). All cited articles begin by summarizing the state of play in the debate, so that one gains a good sense of the issues at the centre of the debates. See also the conference reports published by HsozKult (3.2.2010, 3.8.2010, 23.12.2010, 7.2.2011, 6.3.2011). The German conferences (none of whose proceedings have been published) do not seem to have been terribly focussed on the definition of networks.

⁹ Burkhardt (2009).

a means of gaining entree to other networks (some member will belong to both) and is itself relatively open to newcomers, if vouched for by a member in good standing.

Now, I am certain that this fumbling attempt at defining networks will cause many a colleague to throw up his hands in horror and begin reciting entire rosaries of exceptions and caveats. That very fact suffices to demonstrate how important it is that we formulate a workaday, pragmatic definition of networks. Absent that, we shall all talk past one another and make no intellectual progress whatsoever, very much the way years of research on 'the crisis of the Middle Ages'—another murky, ill-defined term—did in German medieval studies some years ago.

Here, I would light to highlight a study which constitutes a glowing exception to what I have just written. Burkhardt's dissertation begins with a precise definition of what he understands a network to be.¹⁰ His investigation of some 900 Lübeck merchants trading with Bergen in Norway during three periods (1360–1400, 1440–70, 1490–1510) is of great importance for all research on historical networks because it is a long-term study. Consequently, he can observe the development of the *Bergenfahrer* networks over time, thus fulfilling an central plank of Selzer and Ewert's platform.¹¹ Burkhardt makes a revealing distinction between the short-term business contacts of the *Bergenfahrer* and their companies, which were of middling longevity. While in the late fourteenth century the dicephalous firms (*Widerlegung* etc.) were largely comprised of kinsmen, this was not true of short-term business contacts, and this was the model which won out in the fifteenth century. Ad hoc, short-term cooperation became more important than longer-term companies, and networks became much looser, albeit more instable.¹² The same was true of the choice of executors: at the beginning, kinsmen had the upper hand, but testators increasingly chose non-relatives to carry out their last wishes.¹³ Therefore, kinship was no longer the only reliable basis for trust in business or in the salvation of one's soul.¹⁴ Rather, common culture ('Treu und Glauben') and reputation mechanisms increasingly substituted for kinship, although

¹⁰ Burkhardt (2009) 43–54. Note that his definition is much broader than mine and draws heavily on sociological research.

¹¹ Selzer and Ewert (2010) 47. It is worthy of mention that Havila (1996) suggests various models for the dynamic development of three party networks, albeit regarding business practice in the second half of the twentieth century.

¹² Burkhardt (2009) 344.

¹³ Burkhardt (2009) 369.

¹⁴ Pace Selzer and Ewert (2010) 36–7.

it is also conceivable that the *Bergenfahrer* had developed a greater appetite for risk.

Burkhardt's study should be read by anyone interested in historical networks,¹⁵ but it is, as he himself states,¹⁶ an investigation of just one branch of the trade of just one Hanseatic town. We will have to undertake a number of detailed cases studies before we can be confident of having worked out the specifics of Hanseatic networks. I also suspect that Burkhardt's investigation will prove symptomatic in another way: The closer one looks at one particular case, the more the abstract definitions—be they sociological or historical—will begin to look inadequate. Surely detailed case studies will lead scholars to question and tweak the broad-brush definitions of a historical (business) network. Particularly in regard to the Hanse, it seems to me to be imperative to look very closely indeed at the sources—and we have enough material to hand to do so, starting with merchants' books—and seeing if it is possible to demonstrate, blow-by-blow, how networking actually worked in cases other than that of the Lübeck *Bergenfahrer*. Can we analyze, say, the accounts and correspondence of the brothers Veckinchusen and specify who was in the networks and how they dealt with one another? Can we pinpoint people whom Hildebrand Veckinchusen trusted more than others? Can we see the insiders cooperating with one another to a higher degree than with outsiders (iterative business activity)? Does information flow more intensely among insiders, and can we see it doing so, for instance in mercantile correspondence?¹⁷ Are there teaser offers of information, designed to elicit that all-important first response on which one can build trust tit-for-tat?¹⁸

When undertaking case studies, I think it would be a good idea to extend the fringes of networks. To be sure, Selzer and Ewert have suggested that networks share some of the characteristics of von Thünen's rings,¹⁹ the intensity of networking decreasing as one moves outward from the central partnership through kinsmen, friends and occasional partners. In fact, I think it likely that the networks extended much farther, even if they become much more tenuous towards the edges. It would, for

¹⁵ For those who do not read German, there is a detailed English-language summary: Burkhardt (2009) 375–96.

¹⁶ Burkhardt (2009) 373.

¹⁷ Lindemann (1978) is no more than a first beginning.

¹⁸ A study of the Hanseatic word for trust (*gelouwe*) would, it seems to me, be rewarding in this context.

¹⁹ Selzer and Ewert (2007) 51; (2010a) 45–7.

instance, be interesting to know if the well-known hostellers in Bruges (and elsewhere),²⁰ who demonstrably provided not only lodging and meals, but also warehousing and financial services, were part of the business networks of Hanseatic merchants and provided them with an entree to other networks. While investigating hostellers, we should not neglect brokers and the ubiquitous 'Mr. Fixits' who could be found on many a quayside, offering to facilitate a foreign merchant's trade.²¹ It also seems to me to be worth asking what role mentoring played, not only in the Hanseatic *Kontore*, but also at the fairs in Frankfurt and Antwerp, in providing merchants with an opportunity to hook up with other networks.

The question of entree deserves to be posed on its own. After all, as Selzer and Ewert imply and Jahnke states explicitly,²² network theory explains things reasonably well within the Hanse's trading area, where reputation mechanisms enforced correct behavior and, in so doing, conferred commercial benefits (lower information and transaction costs, less acute agency problems etc.). But merchants outside the Hanse's trading area were not subject to Hanseatic reputation mechanisms, and consequently lack of trust must have arisen and hampered trade. Even if, as Jahnke notes, the *Kontore* took on the job of social supervision,²³ this does not explain everything. After all, Hanseatic merchants did not only conduct out-of-area trade in Bergen, Bruges, London and Novgorod. Moreover, the geographical range of Hanseatic trade expanded enormously in the course of the Middle Ages, reaching to Bordeaux, Portugal, Scotland, the Shetlands, Iceland and other places far afield. It would be interesting to ask how the first Hanseatic merchant to set foot in, say, Setúbal or Edinburgh hooked up with the local networks.²⁴ The answer, it seems likely to me, will prove to lie in one of three possible points of initial contact which no one seems to have considered yet.

²⁰ Bruges: Murray (2005) 191–205, 210–4. Bordeaux: Stieda (1921) no. 468, p. 460. There are numerous references to hostellers (*wirt*) in the Veckinchusen correspondence.

²¹ Wood (1935) 214–5. 'Translators' may well have played a similar role, and there are surprising numbers of them, if one looks. In the early fifteenth century, for instance, there were Chinese-Arabic translators in Malabar in southwest India (Chaudhury (1985) 99), and the role of Mustafa went well beyond that of a 'translator' fluent in Turkish, Latin and (one presumes) English to William Harborne (Skilliter (1977) 51–6 *et passim*).

²² Jahnke (2010) 203–5.

²³ Jahnke (2010) 205.

²⁴ For a model of how English merchants broke the ground in new areas, see Jenks (2006) 32–48.

- **Shipping.** Cheap freight rates were the wedge the Hanse drove between Flemish merchants and their English wool suppliers in the late thirteenth century²⁵ and provided the Hollanders with a way into the Prussian trade.²⁶ Both shippers and sailors enjoyed the right of freeboard,²⁷ and they conducted a certain amount of trading even if all the freight-paying cargoes belonged to foreigners, so that there were no insuperable obstacles which prevented a sailor from evolving into merchant. In addition, a perfectly astonishing amount of information was exchanged at the quayside in casual conversation with foreigners.²⁸ Consequently, there were ample opportunities to build up commercial contacts with external networks which could be deepened tit-for-tat, if required.
- **Pilgrimage.** No Christian could possibly object to anyone's transporting pilgrims to Santiago, Rome or the Holy Land by sea. Since ships had to put into port every few days for water and victuals, there were ample opportunities for establishing initial contacts (and gaining detailed knowledge of local products, geography and sea-lanes). In fact, we can point to one concrete example: Transporting pilgrims to Santiago and the Holy Land was demonstrably crucial for Robert Sturmy's reconnaissance of the Mediterranean, which formed the basis for his commercial expedition of 1456/57.²⁹
- **Emporia.** The great fairs in Antwerp, Frankfurt and (later) Leipzig hugely supplemented the opportunities for establishing initial commercial contacts which existed all the year round in large towns (Bruges, London etc.).

However the contacts were established, there can be no doubt that Hanseatic merchants managed to spin a web of contacts to non-Hansards.³⁰ Otherwise, prohibiting the foundation of firms with non-Hanseatic merchants and ordering the dissolution of all such mixed companies—which the Diet did five times in the fifteenth century³¹—would have been completely senseless.

²⁵ Lloyd (1977) 28–49; Lloyd (1991) 38–46.

²⁶ Seifert (1997) 42–4, 89–90, 211.

²⁷ Jenks (2006) 29–30.

²⁸ Jenks (2006) 46.

²⁹ Jenks (2006) 46.

³⁰ Burkhardt (2009) 312–6 presents a handful of such extra-Hanseatic business contacts of the *Bergenfahrer*.

³¹ Jenks (1996a) 9–18, 53.

Previous research—not only on Hanseatic networks—has focussed on iterative business activity, but this is not the only way of proving that a network existed. In fact, research into historical networks is much older than its present-day proponents imagine, having started with K.B. McFarlane³² and his students in the 1970s. They, of course, were interested in the English gentry and traced royal and lordly ‘affinities’ as well as the contours of the ‘county community’, but these are networks in all but name. I think it would be hugely rewarding to apply the criteria of the McFarlane school to the investigation of Hanseatic networks. Among these are: intermarriage within the group, witnessing one another’s charters and wills, functioning as godfather or executor to another member of the group,³³ serving as a royal officer in the county or as arbitrator in disputes within the group.³⁴ To be sure, both Burkhardt and Jahnke have undertaken initial studies along these lines and have called for further investigation,³⁵ but were apparently ignorant of the English line of inquiry. A little methodological cross-pollination would seem to be called for here.

II. *Internationality*

As Justyna Wubs-Mrozewicz and Carsten Jahnke have pointed out in this volume, the Hanse has been made to serve the current political agenda over and over again for more than a century, notably the process of German unification and the self-assertion of the nation from 1871 onwards. Hence, the Hanse has tended to be cast as German.³⁶ This has engendered a mind-set which induced scholars to make a sharp distinction between the internal and external aspects of the Hanse, a distinction

³² McFarlane initiated matters in 1945 by calling for a broad prosopographical investigation of the English gentry: McFarlane (1981) 36, originally published as ‘Bastard Feudalism’, *BIHR* 20 (1945) 161–80.

³³ Both of these roles implied an extraordinary degree of trust between principal and nominee. After all, one was committing the eternal salvation of one’s child’s or one’s own soul to another person.

³⁴ I have extracted these criteria from Pollard (1979) and Acheson (1992).

³⁵ Jahnke (2010) 200; Burkhardt (2009) 232–310 does investigate executorship, and adds going surety, membership in the town council and/or in one or more of the various professional groups, benevolent societies and fraternities in late medieval Lübeck to the catalogue.

³⁶ Hammel-Kiesow (2007) has taken another tack and sketched the European aspects of the Hanse, adding much needed critical comments about present day attempts to hijack the medieval Hanse to serve political ends.

which, as von Brandt has shown, was utterly foreign to those upon whom it was foisted centuries later.³⁷ This tendency was strengthened by the fact that, from 1870 at the latest, the Hanse was viewed as a quasi-state which functioned as a proxy for the Empire (and, indeed, for the German People) in the north. If one views the Hanse as an earlier form of the nineteenth-century nation-state, as did Waitz, Höhlbaum, Koppmann and the other early leading lights of Hanseatic historiography,³⁸ it is only natural to conceive of it having something on the order of a Home Office and a Foreign Office, the one responsible for internal affairs and the other for relations with foreign powers. It is therefore no surprise that Hanseatic scholarship has produced a considerable number of monographs and articles entitled 'X and the Hanse', whereby 'X' is some 'foreign country'.³⁹ These investigations take a distinctly Foreign Office slant, highlighting conflicts, diplomatic correspondence, negotiations and treaties. To be sure, there is nothing wrong with focussing on diplomacy, so long as one recognizes that there was another—commercial—side to the Hanse altogether. It was, however, not until after the collapse of the Second Empire (1918)—which at one stroke removed the political rationale for Hanseatic 'Foreign Office' studies—that Fritz Rörig initiated the investigation of the economic history of the Hanse.⁴⁰

Thus, there was a certain logic to Rörig's call in 1950 for the Europeanization of Hanseatic research.⁴¹ His point was that Hanseatic history is not a marginal phenomenon well off the radar screen of European economic history, but that it lies at its very centre.⁴² Consequently, the economic history of the Hanse needed to be placed firmly in the context of the economic history of Europe as a whole, and Hanseatic historians

³⁷ von Brandt (1962).

³⁸ Jenks (2010) 5, n. 20.

³⁹ For a list of works on 'Holland and the Hanse' see Seifert (1997) 1 n. 4. Of course, Holland was not a 'foreign country' during the period when the Hanse existed and on which these investigations focus: until 1648, Holland, Zealand and the other lordships which were to make up the United Provinces belonged to the Holy Roman Empire and only achieved sovereignty in 1648, at which point the Hanse had just 21 years of life left.

⁴⁰ von Brandt (1970) 60–1, 65.

⁴¹ Rörig (1950).

⁴² Rörig (1950) 10. It is very curious indeed that Rörig's clarion call in 1950 echoes Waitz' programme of 1871 for Hanseatic history. Waitz insisted that Hanseatic history was central to German history as a whole, so that no history of Germany which ignored the Hanse could be considered adequate. More than that: the Hanse was a driving force of German history: von Brandt (1970) 11–2. If one substitutes 'Europe' for 'Germany', one gets Rörig's views in a nutshell.

needed to work out its role as a driving force (or a passive subject) of the development of the European economy.⁴³

Rörig's agenda failed to produce a well-defined body of literature. Indeed, up until the last generation, scholars continued to emphasize the insularity and singularity of the Hanse. In their view, it was hostile to outsiders (Hollanders, English, South Germans), deploying a variety of instruments (for instance 'guest laws') to regulate—and restrict—commercial contacts between Hansards and non-Hansards⁴⁴ in order to defend its ancient monopoly on trade between East and West against unwelcome competition.⁴⁵ Circling its wagons, the Hanse was implacably hostile to modern business methods.⁴⁶ Compared to the Italians and South Germans, the Hanse was backward. In short, the Hanse increasingly isolated itself from the developing European economy in the late Middle Ages. It was, *pace* Rörig, marginal.

Although this view has attracted a certain amount of criticism in the last generation, the dragon is not yet dead.⁴⁷ Rather than once again seconding Rörig's call, I would like to focus here on an area which seems ripe for an internationalization discussion: infrastructure.

Infrastructure—very much a new theme in Hanseatic history⁴⁸—would, on the face of it, seem to be the oddest place in the world to look for evidence of internationality. By its very nature, the infrastructure—quays and cranes, roads and bridges and the like—would seem to be wholly local. Nonetheless, there is a good case to be made that, since Hanseatic towns were competing with one another (and other, non-Hanseatic towns) for commercial traffic, they could not afford to let their infrastructure fall much behind international standards. Indeed, there is a good deal of indirect evidence that this was the case. Hanseatic ports financed their infrastructure projects—dredging shipping lanes, setting out buoys, erecting and maintaining landmarks for ships—by a pro rata charge on the merchandise in ships which called at the port or sailed out of it. These charges went under different names—*Werkzoll* in Hamburg, *Pfahlgeld* in

⁴³ For a summary of Rörig's views—which were seconded enthusiastically by Heinrich Sproemberg in the 1950s—see Müller-Mertens (2003).

⁴⁴ For the views of earlier scholars on 'guest law' see Jenks (1996a) 3–9.

⁴⁵ See Sprandel (1984).

⁴⁶ The classic indictment is von Stromer (1976).

⁴⁷ Selzer and Ewert (2007) 64; (2010a) 69 still believe that 'guest law' was used systematically to exclude the Hollanders and other outsiders. Moreover, Gilomen (2010) 362 not only believes this, but also is convinced I believe it too.

⁴⁸ Ellmers (2005).

Danzig—, but they all created a virtuous circle: the more money a port collected in *Werkzoll* or *Pfahlgeld*, the more it could invest in its infrastructure. This attracted more sea-going traffic, which lifted aggregate revenues, allowing for yet more infrastructure investment without a rise in the pro rata charge. However, a port had to make the right sorts of infrastructure investments in order to attract traffic, and those paying the charges were likely to insist on its doing so. Consequently, once a town got beyond very basic measures, there was surely a demand for experts. And if there were internationally sought-after engineers who constructed carp ponds⁴⁹ and the clocks in the towers of town halls,⁵⁰ who pumped the water out of mine-shafts⁵¹ and planned late medieval Europe's architecturally spectacular churches, then it stands to reason that there must also have been experts who specialized in planning quays and cranes, perhaps even in organizing the topography of docks in order to minimize turn-around times.⁵² If that is the case, then it would be surprising if ideas did not get spread around as the experts travelled from port to port, leading to an observable technical convergence of infrastructures. In other words: a growing internationalization of infrastructure.

However, in my view of it, the invisible infrastructure—which has only just been touched on in Hanseatic research⁵³—was more important than the visible one, and it, too, should be investigated for symptoms of internationalization. The first area where this has been apparent for some time, although not explicitly recognized as such, is weights and measures. While every medievalist is aware of the bewildering complexity of weights and measures, most do not realize that these units travelled with the goods whose quantity they describe as merchandise was traded from region to region.⁵⁴ At every mercantile emporium to which goods were brought from different parts of the medieval world, these disparate systems clashed with one another, as anyone can judge from the numberless conflicts about weights, weighing, scales and the like which are recorded in the Hanseatic Diet's records. From the thirteenth century onwards, these conflicts often enough led to negotiations which, if they

⁴⁹ Hoffmann (1996) 667–9.

⁵⁰ Dohrn-van Rossum (1985) 323–5.

⁵¹ Pars pro toto Schmidt (1970); von Stromer (1984); Bartels (1997). The literature is immense.

⁵² See Hammel-Kiesow (1996) 17–20 for the topographical organization of Lübeck's harbor.

⁵³ Link, Kapfenberger (2005) 163–8.

⁵⁴ Witthöft (1979, 1993, 1998).

did not produce a universal system of weights and measures,⁵⁵ at least led to adjustments which nudged the systems until the relevant units stood in an integral relation (e.g. 1:2, 2:3) to one another, which anybody could reckon in his head. In other words, a pragmatic—case by case and product by product—internationalization of weights and measures took place.

To my way of thinking, this suggests that it would be fruitful to search for evidence of internationalization in other areas, and I would like to suggest the legal practice of the time as a promising field of investigation. The observant reader will have noted that I avoid the word ‘law’. I have good reasons for doing so, even if German legal historians interested in the Hanse have concentrated on analyzing the codified law of Lübeck and Magdeburg, usually separately.⁵⁶ But the codified law was, as Sofia Gustafsson underscores in her article, intensely conservative and left large and important areas of contemporary commercial practice—such as letters of exchange—apparently unregulated in law for a surprisingly long time. It is therefore only by investigating case law that we can hope to uncover current legal practice. However, case law also disappoints: there are relatively few surviving medieval records of cases tried before the town councillors (in Lübeck law) or the *scabini* (in Magdeburg law),⁵⁷ and these records contain nary a judgement⁵⁸ which would illuminate current legal practice. I think there is a good reason for the reticence of codified law and the dearth of judgements regarding contemporary commercial practice, namely that disputes about such matters were often settled by arbitration.⁵⁹

⁵⁵ The only exception is the agreement of 1358 on a standard size for the tun of herring—the Rostocker Band—which from the late fourteenth century was accepted from East to West in the Hanseatic trading area: Witthöft (1993) 214–7; (1998) 745; Holbach (2005) 144–5.

⁵⁶ This is true even of Lück (2009), which purports to compare both systems. See also Cordes (2007).

⁵⁷ For Lübeck law see Ebel, W. (1955), for Magdeburg law see Ebel, F. (1983).

⁵⁸ For example, Ebel, W. (1955) records no medieval cases in Lübeck which concern letters of exchange. Ebel, F. (1989) no. 320, 324, and (1995) no. 629, contains three medieval cases in which they are mentioned. We learn that it was possible to transfer funds by letter of exchange between Breslau and Thorn, Nuremberg and perhaps also Cracow, but each case turns on the question of whether a debt has been paid, by letter of exchange or otherwise. We learn nothing about legal practice concerning letters of exchange (protests etc.).

⁵⁹ Gelderblom (2011) 245 notes ‘the universal preference for amicable settlement’. By contrast, the central courts established by the Burgundian and Imperial authorities did not attract many commercial cases at all, usually less than a dozen per annum: Gelderblom (2011) 261–64.

This was demonstrably the case in England, where 'the vast majority of cases commenced in the central courts never reach[ed] trial'.⁶⁰ Suing in King's Bench or Common Bench was, in very many cases, simply a means of putting pressure on an opponent to agree to arbitration and using the machinery of the law to keep him at the negotiating table until the dispute was settled.⁶¹ Arbitration was common in commercial disputes, whose resolution frequently required specialized knowledge of current market (or maritime) practice and, in some cases, also of foreign languages, which the king's judges did not ordinarily possess.⁶² In comparison to the common law courts, arbitration was also quick and cheap, a powerful recommendation to merchants on the move. Finally, it was usually effective: the parties chose their own arbitrators, but often enough entered into conditioned bonds to abide by their award.⁶³

Seemingly unbeknownst to German legal historians, there is quite a substantial amount of Hanseatic source material on arbitration.⁶⁴ Since arbitrators' awards constitute nothing less than case law, indeed with a judgement in the matter at hand,⁶⁵ they provide us with a unique opportunity to explore current legal practice. Better yet, arbitrators in commercial disputes were free to enforce current best practice on the parties, especially when judging in equity. Since they tended to be respected elder merchants with a wealth of experience both at home and abroad,⁶⁶ they surely cannot have neglected their international experience when

⁶⁰ Baker (1978) 91.

⁶¹ Rawcliffe (1991) 100; Powell (1983) 57; (1984) 39.

⁶² Rawcliffe (1991) 100.

⁶³ Rawcliffe (1991) 109. A conditioned bond is a sealed debt instrument with a condition entered onto the dorse, in this case that the debt bond is null and void if the debtor abides by the award of the arbitrators. In addition, the award might be enrolled, for instance on the dorse of the close roll.

⁶⁴ UBStL 11 s.v. Schiedsgericht, -richter, -spruch, pp. 420–3; Kuske (1917), vol. 4, p. 513 s.v. Schiedsgericht. I have not overlooked Schöttler (1941), but his J.D. dissertation does not fill the bill, since he is primarily interested in the legal development of arbitration (Schiedsgerichtsbarkeit). Therefore, he often records only the fact of arbitration, but not the material content of the arbitrators' award (12). Furthermore, he has unearthed a mere six cases of arbitration between merchants out of the 209 he analyzes (106).

⁶⁵ Gelderblom (2011) 248 distinguishes between arbitrators, to whom the conflict parties referred the matter of their own free will and whose judgements, guided by equity, were final, and arbiters, who were appointed by the local courts and followed the prevailing law (depending on the case, this could be local, martime or foreign), but whose judgements could be appealed.

⁶⁶ In the late seventeenth century, Amsterdam kept registers with the names of respectable and knowledgeable potential arbitrators: Gelderblom (2011) 248.

arbitrating.⁶⁷ If collected and studied systematically,⁶⁸ arbitrators' awards, I am confident, will show an increasing convergence of legal practice in commercial disputes, that is to say: internationalization. The ubiquity of arbitration, in turn, explains the gaps in the codified law and the dearth of judgements regarding contemporary commercial practice. In a fluid and rapidly changing commercial environment, no one wanted hard-and-fast rules. Once a rule was entered into, say, the codex of Lübeck Law, you had to abide by it, but—particularly in the fifteenth, sixteenth and seventeenth centuries—financial innovation was transforming the world of trade rapidly.⁶⁹ Hanseatic towns simply could not afford to be behind the times legally: otherwise their merchants were in for some nasty surprises when they returned home and discovered that the perfectly legitimate deals they had made in Antwerp were actionable in Lübeck or Danzig. There must have been a common legal culture at the highest level of Northern European international trade—which, after all, was the level at which the Hanse operated—but it cannot have been the fabled *lex mercatoria*, which was once thought to have been a shadowy body of legal rules, but has been shown to be nothing more than quick legal procedure.⁷⁰ It must rather have been the collective experience of internationally active merchants right across the Baltic and the North Sea, which engendered an acute, and increasingly universal awareness of current best mercantile practice.

III. Finance

Finance remains the 'known unknown' of Hanseatic history, to phrase it in terms of Rumsfeldian heuristics. Despite research into financial instruments⁷¹ and attempts to estimate the balance of payments,⁷² comparatively little is known about how individual Hanseatic merchants

⁶⁷ Gelderblom (2011) 247 notes that arbiters in cases involving conflicts between natives and foreign merchants were typically mixed, with foreigners and locals serving in equal numbers. In Bruges, for instance, the privileges granted to the English in 1359 mandated arbitration of Anglo-Flemish by two Englishmen and two Flemings.

⁶⁸ One should not limit the search to Hanseatic archives. There is a wealth of Hanseatic material in foreign archives, notably in London, Bruges and Brussels, Antwerp and Amsterdam: Gelderblom (2011).

⁶⁹ van der Wee (1967).

⁷⁰ Baker (1986) 346; Cordes (2003) from the perspective of German legal history.

⁷¹ Neumann (1863); Peters (1976, 1977); North (1991) 816–24.

⁷² Sprandel (1975).

financed their trade. The question is, however, crucial since there is general scholarly agreement that banking and finance were generally very underdeveloped in the medieval Hanseatic world⁷³ and that consequently liquidity was scarce. The fact that Hanseatic merchants had to transfer liquidity over vast distances between purchase and sale of goods only exacerbated the problem. Given that we are reasonably well informed on the financial instruments Hansards used (letters of exchange, *overkop*, bills obligatory etc.), it seems time that we turned our attention to how individual merchants organized liquidity in conducting their businesses.⁷⁴ There are two aspects of this which might well repay investigation. The first is the most obvious: using merchant's accounts to reconstruct a time line of purchases and sales and correlating that to acquisitions and transfers of liquidity by means of loans and letters of exchange respectively. The second is less obvious: tracing a merchant's portfolio strategy over his lifetime. As Lübeck merchants' wills reveal, they tended to gather their assets closer to home as they grew older.⁷⁵ Clearly expecting to die sooner rather than later, they liquidated their assets far afield and acquired easily liquidated assets close to home (urban and rural real estate,⁷⁶ urban rents of various kinds, debts owing, plate etc.)⁷⁷ in order to make the task of their executors as simple as possible. In short, they reduced the geographical scattering and increased the liquidity of the assets in their portfolios. Clearly, this portfolio management must have had effects on other merchants, as liquidity was withdrawn from trade, and these would seem to me to be worth pursuing.

At the end of the Hanse's history, the founding of the Hamburg Bank (1619)—at the request of the English Merchant Adventurers and Sephardic immigrants from the Netherlands⁷⁸ and very much on the model of the Amsterdam Wisselbank—provides us with a new possibil-

⁷³ North (1991), 815, 817, echoing von Stromer (1976) 208–10. To my knowledge, no one has systematically studied the 'exchange booths' (*Wechselstuben*), which von Stromer (1979) identified as fulfilling bank functions in Germany south of the Main and west of the Rhine, for the Hanse's trade area. Needless to say, it would repay investigation.

⁷⁴ Jenks (2010) is only a very modest first step in this direction.

⁷⁵ This is, of course, only clear if a merchant makes more than one will, but many did, for instance John van Hachede on 5 June 1355, 25 May 1356 and 19 July 1359: von Brandt (1973) No. 560, 594, 784.

⁷⁶ Earlier scholars interpreted this as an expression of the merchants' desire to 'rise into the nobility', but I am, needless to say, extremely sceptical.

⁷⁷ On the types of assets Lübeck merchants of the sixteenth century named in their wills, see Pelus (1993).

⁷⁸ Kellenbenz (1958) 253–9.

ity of investigating the financing of Hanseatic trade. Even if most of the bank's records have been lost,⁷⁹ some do survive in later copies, including a list of the merchants who had accounts in 1619. Since Hamburg's merchants were required to transact all commercial payments over 400 mark banco via the bank and cash all letters of exchange over 400 Lübeck marks through it,⁸⁰ the loss of the Bank's accounts is grievous, as they could tell us much about how Hamburg's trade was financed in the last 50 years of the Hanse's history. Nonetheless, it might well be worthwhile to triangulate surviving records of the Wisselbank of Amsterdam (founded 1609),⁸¹ the Hamburg Bank and the Nuremberg Banco publico⁸² (founded 1621) and see what light they cast on the financing of Hanseatic trade.

IV. *Logistics*

On 15 June 2006 *The Economist* published a special report 'A Survey of Logistics' celebrating the fiftieth anniversary of the invention of the container, which among other things optimized the utilization of scarce shipping space and led, in turn, to the design of large sea-going vessels specifically designed to transport a maximum number of 'twenty-foot equivalents', not to mention flat-bed railway cars and lorries. The upshot was that freight rates dropped dramatically (to 2.74% of their previous level), a vital pre-condition for today's globalized supply chains. Today, component manufacturing can take place wherever it is most economic, because it is cheap, easy and quick to transfer TFEs from ship to rail to road and deliver the required parts just-in-time.

The problem of how to utilize scarce space in transporting goods and optimize the transfer of merchandise from one form of transport to another was not unknown to the medieval Hanse.⁸³ While shipping times were dictated by the weather and the dates of the major fairs, leaving no significant room for optimization, the same was not true of the utilization of space. Theoretically, shippers and freighters should have tried to fit as much cargo onto a ship as it could hold and remain seaworthy. Moreover, the late Middle Ages witnessed the standardization of some

⁷⁹ Sieveking (1934) 125.

⁸⁰ Peters (1995a) 154.

⁸¹ van Dillen (1925) publishes some early records of the Amsterdam Wisselbank.

⁸² Peters (1995b).

⁸³ Ellmers (2005) kicked off the discussion of the second problem.

shipping containers—e.g. the *Rostocker Band* for herring⁸⁴—and a steady increase in the size of the largest ships, loosely coupled with the introduction of new ship types (hulk, caravel). Eventually, some ships got to be so large that they could no longer lay to at the quayside, but had to go to anchor well before the port and be unloaded by lighter. The construction of cranes made unloading large containers easier if the ship could be brought to quayside (which argued for large containers), but unloading large containers from big ships into small, rocking lighters could be very awkward (which argued for small containers). In short, shippers and maritime architects had a number of opportunities to re-think the relationship between freight containers and the space available on board.⁸⁵

Now, of course, the ship-building plans of medieval maritime architects no longer survive, and the ships they built have, with very few exceptions, long since rotted away, but there are sources (customs accounts, lists of ships and cargoes lost or taken at sea) which, properly interpreted, ought to give us some insight into the logistical thinking of the Middle Ages. Hitherto, these sources have been used to calculate a ship tonnages or the volume of ships' holds, and that, in turn, required scholars to determine the metric volume and weight of medieval measures.⁸⁶ I think it would be worthwhile to take another slant on the sources and ask which packing units were customarily associated with which products.⁸⁷ Then one could investigate whether particular packing units were associated with particular forms of transport. An example: On 20 January 1478, William Weston transported 3 fardels of cloth from London to Plymouth on 3 horses.⁸⁸ Clearly, a fardel was fundamentally a horse-load, even if the packing unit was retained when the same goods were transported by sea: That only means that the cloth was not re-packed for export.

⁸⁴ On this and parallel processes see Holbach (2005) 144–5.

⁸⁵ There is some evidence that this, in fact, went on. On 9 Feb. 1497, the Bruges *Kontor* complained to Lübeck that the Antwerp customers were demanding double customs on copper, furs, flax, English and Flemish cloth and wax because they had determined that the normal packing units (e.g. a *stro* of wax) contained between one third more and double the amount of merchandise as had been customary: HR IV 3, No. 735. For the Diet's reaction see HR IV 4, No. 79 § 60–3, 80–83. Many thanks to Rolf Hammel-Kiesow for this reference.

⁸⁶ Wolf (1986), citing earlier scholarship. See also Witthöft (1979).

⁸⁷ I have made a modest start in this direction in the index of matters to the Danzig customs accounts for 1409 and 1411: Jenks (2006), Sachregister s.v. Maße und Gewichte. There I listed alphabetically the products for which a particular packaging unit was standard, e.g. a vat was the packaging unit for alum, pottash, cotton, beer etc.

⁸⁸ TNA: PRO, E122/194/22 m 10. The 'one horse, one fardel' rule is general in the London customs accounts: If goods are transported on horseback, there is always one fardel per horse.

The customs accounts are not the only sources to shed light on the customary packing units for various products. Although it would be impossible to give a complete list, a few examples may suffice to show the breadth of source material available. Schedules of local tolls in medieval England, for instance, often enough set the charges according to the packing unit,⁸⁹ and the same is true of many customs schedules, for example in England (1507)⁹⁰ and Hamburg (1606).⁹¹ Finally, trading companies' statutes may yield information on packing units, be it in international or in regional trade: one example is the Merchant Adventurers' prohibition of retail trade for its members (1608).⁹²

The obvious next question to ask would be if the associations between packing units and particular products change over time. That should yield some information of the logistics of the supply chain up to the point of sea transport.

The supply chain is worth investigating in its own right, since this is an integral part of today's logistics. Immense cost savings can be effected by minimizing inventory and having components delivered just in time for manufacturing, but getting things just right requires a high degree of forward thinking and supply chain control.⁹³ I would suggest that this also held true, to a certain degree, for the medieval Hanse. After all, if you want to deliver wood in Danzig at midsummer,⁹⁴ someone has to chop a tree down in the autumn, the wood needs to be seasoned, transported, stacked and so forth. Here, too, the supply chain has to be managed. Indeed, one might be forgiven for thinking that, given the slowness of communication in the medieval era, supply chain management was more, rather than less difficult, and the logistical complexity of the putting-out system—the most modern and efficient mode of production known to medieval man—was of another order of magnitude altogether.⁹⁵ A certain amount of work has been done, notably by Link on Prussian grain⁹⁶ and Kapfenberger on

⁸⁹ Masschaele (2007) 156–60.

⁹⁰ Gras (1918) 694–706.

⁹¹ Pitz (1961a) 202–75.

⁹² Lingelbach (1902) 111–4.

⁹³ The Economist (15.6.2006), Special Report.

⁹⁴ See Heß, Link, Sarnowsky (2008) 58, No. 145 for one example.

⁹⁵ Holbach (1994).

⁹⁶ Link (2004) 18–29. Link's doctoral thesis on the same subject, completed under the direction of Jürgen Sarnowsky (Hamburg) and entitled *Der preußische Getreideexport im 15. Jahrhundert. Seine Bedeutung und Einbettung in die nordeuropäische Wirtschaft*, has been completed and should appear in the series *Quellen und Darstellungen zur hansischen Geschichte* next year.

wood,⁹⁷ but more light could be shed on the logistics of supply chain management in the Middle Ages.

V. Probability Theory, Bayesian Statistics and the Hanse

At some point in the early Noughties, Thomas Griffiths and Joshua Tenenbaum, professors of cognitive science at Brown and MIT respectively, asked test subjects to answer a series of questions involving predictions on the basis of a single piece of information.⁹⁸ Among the questions were:

1. 'Insurance agencies employ actuaries to make a prediction about people's life spans—the age at which they will die—based upon demographic information. If you were assessing an insurance case for an 18-year-old man, what would you predict for his life span?'
2. 'If you made a surprise visit to a friend, and found that they had been watching a movie for 30 minutes, what would you predict for the length of the movie?'
3. 'Imagine you hear about a movie that has taken in \$10 million at the box office, but you don't know how long it has been running. What would you predict for the total amount of box office intake for that movie?'
4. 'If your friend read you her favourite line of poetry and told you it was line 5 of a poem, what would you predict for the total length of the poem?'
5. 'If you heard a member of the House of Representatives had served for 15 years, what would you predict his total term in the House would be?'
6. 'If you opened a book about the history of ancient Egypt to a page listing the reigns of the pharaohs, and notice that at 4000 BC a particular pharaoh had been ruling for 11 years, what would you predict for the total duration of his reign?'
7. 'Imagine you are in somebody's kitchen and notice that a cake is in the oven. The timer shows that it has been baking for 35 minutes. What would you predict for the total amount of time the cake needs to bake?'⁹⁹

⁹⁷ Kapfenberger (2003) 16–21.

⁹⁸ Griffiths, Tenenbaum (2006) 770.

⁹⁹ Griffiths, Tenenbaum (2006) 770. I have rearranged the order to conform with the results and discussion in Griffiths, Tenenbaum (2006) 769–70.

The questions were formulated to test people's ability to draw strong inferences from sparse data, in this case exactly one piece of data. The predictions of the test subjects were then compared to those of an optimal Bayesian model, by which a probability distribution is computed from the product of a prior probability (the test subject's rough idea of how things work) and the net likelihood of occurrence of a particular event. Taking the example of the insurance company, actuarial data shows that people in the US die at an average age of 75, with a standard deviation of 16 years, and that age distribution around the mean is more or less Gaussian.¹⁰⁰ The predictive value of this data is limited: although the Gaussian distribution is the correct model, it only tells you that 95% of all people can be expected to die between the ages of 59 and 91 (75 ± 16). If you use the model to make a prediction about a particular person sitting in front of you desiring to buy life insurance, the prediction depends on a particular piece of data, namely the age of that person at the moment. If that person is 18, 39 or 51, you will probably guess that he or she will live to around 75. If that person is 75 at the moment, then you will probably predict that he or she will live a few more years at least. If the customer is 96, you would not expect him or her to live much longer.¹⁰¹ In fact, you have shifted the Gaussian normal distribution curve to the right for the last two customers. This is the particular value of Bayesian statistics: it combines a prior model (the Gaussian distribution of age at death with a mean of 75 years) with a particular piece of data (the age of the customer at the moment) to make a robust prediction.

The results of Griffiths and Tenenbaum's experiment showed that people combined the correct statistical model of distribution for each particular case with the data given in the question to make predictions which 'were indistinguishable from optimal Bayesian predictions based on empirical prior distributions' on questions 1, 2, 3, 4 and 5. On question 6 (pharaohs) people guessed slightly too high, because they assumed that ancient Egyptians lived longer than they in fact did (i.e. they used an erroneous parameter). Correcting for that error brings the observed test results into line with the Bayesian optimum. Even when the empirical

¹⁰⁰ For non-statisticians: The standard deviation is the average distance of any observation from the average (mean) of all observations. The normal or Gaussian distribution is bell-shaped, with 95% of all observations falling within the range plus or minus twice the standard deviation.

¹⁰¹ This is a paraphrase of Griffiths, Tenenbaum (2006) 768.

distribution was irregular, as in the case of cakes in the oven (question 7), test subjects were close to the ideal Bayesian predictions.

The test results showed that people intuitively used the correct statistical model of distribution, although the empirically observed distributions were Gaussian (questions 1 and 2), power-law¹⁰² (questions 3 and 4), Erlang¹⁰³ (questions 5 and 6) and irregular (question 7). Even when test subjects had no direct experience of the phenomenon in question, they could arrive at the correct statistical distribution model by making an analogy with something more familiar to them. If errors arose, they did so not because people used the wrong distribution model, but because they were mistaken about the mean value. That means that one can turn the experiment around and use the test subjects' guesses to identify the statistical distribution model which they are applying.

The observant reader will have guessed where this is leading. The medieval Hanse had two arrows in its quiver: trade boycotts and war.¹⁰⁴ Both were intended to drive the Hanse's opponent to the negotiating table by putting pressure on him by withdrawing trade or attacking his shipping, but neither could be employed on the basis of anything but incomplete knowledge. That meant that for the duration of the conflict the Hanse was constantly balancing two questions: How long can our opponent hold out? How long can we maintain the pressure? The answer to both questions was uncertain: the Hanse knew very little about the confidential discussions in foreign government circles even in peace time¹⁰⁵ and could know even less about the economic damage its boycott was causing.¹⁰⁶ Worse

¹⁰² In a power-law (exponential) distribution, the shape of the curve recording the observations is determined by a single quality called λ (not, as in the Gaussian distribution, by the mean and the standard deviation), with the mean equalling the standard deviation. That means that the curve is symmetrical around a 45° line drawn from 0,0 (in the lower left-hand corner of the graph) into outer space and has a parabolic shape like your satellite receiver. This sounds complicated, but it's easy if you think about movie grosses: most movies don't make very much money at all, but a few movies make gazillions, so the distribution curve is almost shaped like an "L".

¹⁰³ The Erlang distribution is a non-symmetric distribution which is difficult to explain and has a dismayingly complex formula. Suffice it to say that—under the assumptions Griffiths, Tenenbaum (2006) 768 n. 2, 773—are using, it looks like the flight path of a ski-jumper as he comes off the ramp: quickly up in the air, then a long glide down to zero.

¹⁰⁴ On Hanseatic attitudes to war and peace see Jenks (1996b) 53–9.

¹⁰⁵ Even the Bruges *Kontor* (which should have had the best connections of any Hanseatic institution) was completely flummoxed by the Burgundian revaluation of the groat in 1409: Jenks (1982) 318.

¹⁰⁶ The first step in declaring a trade boycott was to prohibit contact with the opponent: Jenks (1996a) 53–9.

yet, news of embargo violation by its own merchants was uncertain, partial and delayed.¹⁰⁷ Some conflicts ended quickly (the war of the Cologne confederation against Denmark in 1367), while others dragged on for years (the boycott of Bruges 1451–57). Sometimes the Hanse won, sometimes it lost and sometimes it was rescued by exogenous events which turned the tables in its favor in a way nobody could have foreseen (the conflict with England 1469–74). Clearly, the Hanse miscalculated from time to time, but was always forced to act under the constraint of imperfect information. In short, trade boycotts and wars tested the Hanse's ability to draw strong inferences from sparse data.

This seems to me to be a striking parallel to the situation of Griffiths and Tenenbaum's test subjects, and it would be fascinating to explore the possibility of building up a mathematical model of the Hanse's continuing deliberations about conflicts using Bayesian statistics. Needless to say, I can see many objections to this, the most important of which is that we do not have independent empirical evidence from which to calculate an optimal Bayesian prediction, which is, of course, the essential pre-condition for judging the accuracy of strong inferences drawn from sparse data, and we certainly cannot travel back in time to ask Hans Castorp how long he thought a given blockade would last, given that it had been in force for 'x' number of years.¹⁰⁸ Even so, it ought to be possible to deduce which distribution model the Diet used. And who knows? Maybe Bayesian statistics and prediction under conditions of uncertainty and imperfect information may lead us to other questions...

At the end, however, a note of caution. The use of theoretical models by historians is only justified on one of two grounds: either the model explains sources which we could not explain satisfactorily before, or the

¹⁰⁷ Shortly after the Hanse proclaimed a trade embargo against England, Danzig claimed the embargo was being violated by Deventer and other towns on the Lower Rhine, while the Bruges *Kontor* complained that Danzig was violating it: Jenks (1992) vol. 2, 730.

¹⁰⁸ At the risk of handing my own hangmen the rope and erecting my own scaffold, I refer the reader to Sokal, Bricmont (1998), who rightly villify those who hold 'forth at length on scientific theories about which [they have], at best, an exceedingly hazy idea', who import 'concepts from the natural sciences into the humanities or social sciences without giving the slightest conceptual or empirical justification' and who display 'a superficial erudition by shamelessly throwing around technical terms in a context where they are completely irrelevant': Sokal, Bricmont (1998) 4. Those who want to pursue Bayesian statistics are referred to O'Hagan, West (2010). A much simpler introduction is Perfors et al. (2011). Other articles marrying Bayesian statistics and human cognitive science which would repay study are Griffiths, Baraff, Tenenbaum (2004); Krynski, Tenenbaum (2003); Tenenbaum, Griffiths, Kemp (2006) and Baker, Tenenbaum, Saxe (2006).

model gives us new—and fruitful—questions to ask of the sources. If neither of these conditions is fulfilled, it is our job to take the theory out behind the barn and kill it with an axe.

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GAME THEORY AND THE HANSE: AN EPILOGUE*

Justyna Wubs-Mrozewicz

It takes some practice to play the Hanse game. Does the Hanse game also take some theory? This epilogue has to start with a disclaimer: the author has (yet) no empirical experience with game theory. As a matter of fact, my experience with game theory is limited to the occasional encounter in the theoretical literature and the recurring gut feeling that it might be relevant for the Hanse. After all, the fundamental premise of game theory, namely that it is a theory of (rational) behavior in strategic situations, in which success depends on the choices of others, is enticing when thinking of Hanseatic traders. Most of their behavior which has left a trace in the historical records, can be discussed in terms of strategies and interaction: mercantile, political or social. As has been shown in this volume, Hansards were highly interesting players in the medieval and early modern world, who operated in various (changing) contexts. And traders being traders, they were primarily motivated by interest, i.e. payoffs, to put it in the language of game theory. Since the Hanse was all about shared interest, their payoffs depended on the moves other merchants made. The degree of the rationality of their choices might be a matter of discussion, but usually they are accused of being too rational (or, for some, too dull) rather than too irrational in the late medieval European context. But what lies underneath? Can the ‘what, how and why’ of the choices Hanseatic merchants made, both in specific cases (the synchronic perspective) and in long-term strategy (the diachronic perspective), be indeed better understood by means of game theory? And which fields of Hanseatic research might be (re)ploughed with this tool?

Let’s take a closer look at game theory, without pretending to give a complete presentation. Game theory has developed from being a branch of mathematics into a popular tool in the social sciences (especially economics, management, political science, and social psychology), in biology (Darwinian natural selection, resulting in the development of evolutionary game theory) and in philosophy. It is also beginning to have an impact on the humanities, broadly understood. Initially, game theoretical

* I would like to thank Hans Visser, Emeritus Professor of Economics (VU Amsterdam) for his comments. I retain responsibility for any remaining errors.

analysis focussed on competition between individuals where one individual (player) does better at the expense of the other player (one's profit equals the loss of the other, the so-called zero sum games). Nowadays, various kinds of interactions are analysed where the gain of one does not necessarily occasion a corresponding loss of the other (non-zero sum games, where various outcomes are possible), for instance the 'partnership game' where the interests of the players completely coincide. There are two-player games and N -player games (N being a finite number of participants). Also, there are non-cooperative and cooperative games: in the latter, coalitions are formed and no individual payoffs are given. This cooperative aspect is of special interest when thinking of Hansards working together to maximize their profit. One of the most famous games is the Prisoner's Dilemma, and I give the floor here to one of the experts of game theory:

Tanya and Cinque have been arrested for robbing the Hibernia Savings Bank and placed in separate isolation cells. Both care much more about their personal freedom than about the welfare of their accomplice. A clever prosecutor makes the following offer to each. "You may choose to confess or remain silent. If you confess and your accomplice remains silent, I will drop all charges against you and use your testimony to ensure that your accomplice does serious time. Likewise, if your accomplice confesses while you remain silent, they will go free while you do the time. If you both confess I get two convictions, but I'll see to it that you both get early parole. If you both remain silent, I'll have to settle for token sentences on firearms possession charges. If you wish to confess, you must leave a note with the jailer before my return tomorrow morning."¹

In other words: "The 'dilemma' faced by the prisoners here is that, whatever the other does, each is better off confessing than remaining silent. But the outcome obtained when both confess is worse for each than the outcome they would have obtained had both remained silent. A common view is that the puzzle illustrates a conflict between individual and group rationality. A group whose members pursue rational self-interest may all end up worse off than a group whose members act contrary to rational self-interest. More generally, if the payoffs are not assumed to represent self-interest, a group whose members rationally pursue any goals may all meet less success than if they had not rationally pursued their goals individually."²

¹ Quote from Kuhn (2009).

² Idem.

		Cinque	
↓ Strategy →		<i>Cooperate</i>	<i>Defect</i>
Tanya	<i>Cooperate</i>	Firearms possession Firearms possession	Serious time (Tanya) Charges dropped (Cinque)
	<i>Defect</i>	Charges dropped (Tanya) Serious time (Cinque)	Early parole Early parole

The Prisoner's dilemma demonstrates why two people will not cooperate at all even if they both would benefit, and indeed maximize their total benefit, from doing so, in a situation when neither knows what the strategy of the other will be.³

In other words, merchants can make some money if they both go for cooperation, but choosing only for one's own interest means running off with the jackpot. On the other hand, this game looks quite different when it is repeated (when it is a so-called iterated game), i.e. when the players might use their knowledge of past strategies of the opponents. From a historian's point of view, this shows that game theory is of interest both in the synchronic analysis of cases in their specific context, and in the diachronic (long-term) analysis of development of behavior. One of the central concepts of game theory is the equilibrium, most famously the Nash equilibrium, where one's strategy is the best response to the strategy of the other player(s). Since nothing can be gained from individually changing the strategy, a balance is reached in this specific situation (game). On the other hand, if improvement to one individual is possible without making any of the players worse off, then it is a so-called Pareto improvement. A strategy is Pareto optimal when it no further Pareto improvements can be made, in other words the players get the best out of the situation and at the same time 'nobody's hurt'. Pareto optimality is also a crucial concept in game theory.⁴ When thinking of Hanseatic traders, one may ask which of their choices were equilibria, and when and how they could seek own improvement without disadvantaging their partners.

In a recent study, Avner Greif used game theory to discuss the development of institutions in the mercantile world of the Mediterranean,

³ The assumption in the table is that for each player individually 'charges dropped' is better than a conviction for 'firearms possession', which again is better than 'early parole', which is better than doing serious time in prison.

⁴ The 'fathers' of game theory are Neumann and Morgenstern (1944). For an overview on game theory, see for instance Fudenberg and Tirole (1991) and Watson (2001).

ca. 1050–1350.⁵ His is one of the very few studies combining research of medieval sources and game theory. He focussed on reputation-based private-order institutions and showed which choices made by traders led to the establishment of institutions, and what made these institutions persist (among others, self-enforcing behavior). In this volume, Stuart Jenks has voiced his reservations concerning the use of the Hanse as an example to study reputation-based private-order institutions, as Hanseatic traders were driven by different motives in conducting honest trade than their Mediterranean counterparts, as Greif sees them. This reservation reminds us that before drawing (game) theoretically informed historical analogies, one has to double-check the historical record. However, in discussing his main area of investigation, namely the sources on the medieval Mediterranean trade, Greif convincingly shows how game theory discloses partly hidden mechanisms. His book makes a fascinating read, and frames the mind for a new play with one's own material.

Indeed, game theory can be fruitfully applied to various (interdisciplinary) research areas which lie far beyond the original microeconomic field. To name one interesting and fairly new example: game theory is currently used in linguistics in a number of ways. First of all, to analyse strategic choices in communication, i.e. revealing information, verbally or non-verbally. The latter may for instance be by conspicuous consumption, an example which is of high relevance for the historian of medieval and early modern Europe. Also, game theory can be applied to linguistics in a totally different way, to study the evolution of the language. Specifically, evolutionary game linguistics can help to model evolutionary processes in language, and identify the conditions for the so-called stable states (when no change in an aspect of language occurs). Relying on the biologically-informed branch of game theory, change can be presented as natural selection. This can be for instance used to analyse changes in the vowel systems.⁶ The example of linguistics is quite inspiring: it shows that game theory permits intellectual gymnastics. As with power yoga, the odds are that you once you start practicing, you will become more flexible in your analysis and you may, quite unexpectedly, reach new conclusions (or, more prosaically, your toes).

So how can we apply game theory to Hanseatic sources? Three research areas come to mind which might be tackled with the help of game theory,

⁵ Greif (2006).

⁶ Jäger (2008); Benz, Jäger and van Rooij (2005).

both synchronically and diachronically. First of all, *communication*, with reference to the linguistic research discussed above. Let's imagine a situation (game) where some traders (two or N -players) can only continue their trade if they share information. The context might be changed commodity prices, the death of a king (and thus uncertainty about privileges) or shipwreck of a number of ships. After (1) having established what kind of information was available (to the contemporaries, but also to us analysing the historical case), and (2) deconstructing from the historical record what actual choices were made to share information, step (3) in historical analysis would be to discuss the context of this particular choice. A game theoretical step would be to also consider all other possible choices which could have been made in this situation, their possible outcomes and the context (conditions) of not taking these choices (as well as the question whether it was random or deliberate choice). A tree model would visualize all these choices. By analogy, *conflict and conflict resolution* in the Hanseatic world might benefit from such an extended analysis. Did the players have other choices than allowing a conflict to break out? What strategies of conducting conflicts and resolving them did the Hanseatic traders have in their tool box, which remained unused (and often invisible in the sources for the particular case)? And again, why were these and not other choices made? In short, using game theory here would mean trying to look at the context from various angles. Finally, when reconstructing *the mercantile interaction of traders within a network* one might try to model the choices of the players as regards the choice of the goods they traded (for instance: Why did they choose this particular commodity at this period and in this period? What prices were set on these goods and why?), bearing in mind that more often than not, contemporaries only had limited information, and on the other hand, that the sources we have are patchy. These three examples of research areas can be studied synchronically, but also diachronically, making use of evolutionary game theory. When analysing the recurrence of the similar choices throughout a longer period, one might pose the question whether equilibria were achieved, and consequently, whether it led to self-enforcing behavior. Again, this raises the question why some strategies worked in the long run, while others did not. Certainly, more than three research areas can be studied this way. Scholars working on diverse Hanseatic sources would surely come up with other examples: see it as an invitation.

The tricky part of game theory for many historians, including myself, is that it involves mathematical modelling. As long as it is only a difference of the interface of argumentation (that is when description by words

and by mathematical model are easily interchangeable), the assertions of game theory can be followed fairly easily. They inspire to independent reinterpretation of one's material. In complex cases, however, especially when additional verbal explanation disappears from the mathematical argument, you can hit a wall. Similarly, constructing one's own model which matches the analysed situation and the available sources, can prove a challenge. Few scholars of the Hanse would have the time and stamina to become game theory experts who can converse in the mathematical language. For them, it is probably more fruitful to use game theory in the verbal form, keeping the mathematical precision in mind. On the other hand, a game theory specialist who is unfamiliar with the historical case of the Hanse and the limitations imposed by the source material, would undoubtedly have great difficulties designing a matching model. What is the solution? Bearing game theory in mind, there is probably more than one. Let me present my own equilibrium: Hanse historians and game theory specialists working together on chosen cases, assessing together what moves can be taken. In other words, it is again an invitation, this time for theoreticians, to join our Hanse game. It's fun!

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